

Dignity at Work and Study Policy

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Dignity at Work and Study Policy

for dealing with Harassment, Bullying and Hate incidents

1. Introduction and scope of this policy

1.1 The purpose of this policy is to provide procedures and mechanisms to report and address incidents of harassment, bullying and hate incidents appropriately.

1.2 The aims of this policy are to:

- provide definitions of harassment, bullying and hate incidents,
- raise awareness of the effects of harassment, bullying and hate incidents on individuals,
- provide procedures and mechanisms for reporting and addressing reports of harassment, bullying and hate incidents.

1.3 The University has a responsibility, not only to foster good relations between people of the same and different groups, but also to eliminate all forms of harassment and discrimination.¹

1.4 There is an expectation that all members of the University community will uphold the principles of treating each other with dignity and respect as set out in this policy which applies to:

- all members of staff,
- all registered students,
- others not directly employed by the University (including visiting academics, external contractors and their employees, and wholly owned or majority owned subsidiary companies),
- members of Council, Senate and Co-opted committee members
- all visitors to the University.

1.5 Whilst this policy applies to both staff and students at the University, there are separate procedures to deal with reports against members of staff and reports against students.

¹ Public Sector Equality Duty, defined under the [Equality Act 2010](#)

2. Policy statement

- 2.1 The University of York is committed to creating a working, learning, social and living environment which is safe, inclusive and welcoming for everyone.² All members of our community have the right to a fair, welcoming and inclusive environment that is free from all forms of harassment and bullying.
- 2.2 The University believes harassment, bullying or hate incidents within any working, learning or social environment has a potential detrimental effect on the confidence, morale, wellbeing, health and performance of those affected by it.
- 2.3 The University values academic enquiry in an open and robust learning, teaching and research environment. Whilst we encourage academic freedom to debate and challenge lawful viewpoints we are all expected to treat each other with dignity and respect, recognising that our staff, students and wider communities have diverse identities, abilities and experiences. This however does not mean that academic freedom is unfettered. It may be limited should this impact the safety and rights of others, and more importantly amount to harassment, bullying or hate incidents, as described in section 3.
- 2.4 The University strongly encourages those who have experienced or witnessed any form of harassment, bullying or hate incidents to report such incidents and take action through this policy and procedure. Should such incidents relate to staff and members of the York University Students Union (YUSU), Graduate Students Association (GSA) and their clubs or societies we encourage the use of the YUSU and GSA policies, procedures and advice, listed in section 11.

3. Definitions

This section defines the terms harassment, including sexual harassment, hate incidents, bullying and victimisation and provides examples of the types of behaviour to enable staff and students to make an informed judgement about whether a particular behaviour or incident falls within the scope of the policy.

Whilst there is a legal definition of harassment, there is no legal definition of bullying. For the purposes of this policy, all forms of harassment and bullying are considered unacceptable and will be dealt with appropriately. For the purpose of the application of this policy therefore, the terms are used interchangeably.

3.1. Harassment

3.1.1 Harassment is defined under this policy as:

² [University of York, Equality, Diversity and Inclusion Strategy](#)

Unwanted behaviour **related to a protected characteristic** which has the purpose or effect of violating someone's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment.³

3.1.2 The protected characteristics identified in the definition of harassment includes: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion, belief or non-belief, sex and sexual orientation.

3.1.3 Harassment may occur where an individual or group is targeted on the grounds of:

- an actual protected characteristic, for example, a disabled person,
- a perceived protected characteristic, for example, a manager decides not to support the advancement of a member of staff because they believe they have a disability,
- a person who is linked to one of the protected characteristics via association, for example, a student who has a disabled child is not allowed to attend a graduation ceremony because of fears about the child's behaviour.

3.1.4 Harassment may be a single event, sporadic events or a continuing pattern and includes behaviour via any means including verbal, non-verbal, physical, written or by means of electronic communication including social media.

3.1.5 In considering reports of harassment, the following will be taken into account:

- whether there has been a previous pattern of behaviour, and over how long a period of time this has been the case,
- how the individual(s) concerned have dealt with this in the past,
- the fact that previous similar behaviour may have been ignored or apparently tolerated does not automatically mean that consent was given or that the behaviour was acceptable or appropriate.

3.1.6 Examples of behaviours that may amount to harassment under this policy include but are not limited to the following:

- derogatory name-calling,
- derisory remarks, verbal abuse, insults and threats,
- ridicule or belittling of an individual,
- tone of voice such as shouting, raising one's voice unnecessarily or inappropriate or intimidating body language,

³The definition of harassment used in this Policy is that defined by the Equality Act 2010.

- repeated gibes in respect of personal traits or appearance, practical jokes or invasions of privacy, any or all of which may cause physical or psychological distress,
- verbal or practical 'jokes' which mock, offend or cause distress to individuals or groups,
- deliberately using the wrong gender pronoun or the birth name of a trans person, known as mis-gendering or dead-naming,
- exclusion from normal workplace / academic conversations or activities, and social events,
- unfair allocation of work and responsibilities.

3.1.7 In addition, factors that affect the creation of an offensive or hostile environment may include the balance of power, seniority, gender, race and cultural background of the individuals involved.

3.1.8 Harassment (or bullying) may not be deliberate or intentional. In some cases the person against whom a report has been made may be unaware that their behaviour is having a detrimental impact on another person, has caused offence or has been interpreted in a particular way.

3.1.9 What one individual may consider as acceptable behaviour may be unacceptable to another person. Therefore, the perception of both parties should be taken into account as well as the impact on the person(s) reporting when investigating the report.

3.1.10 Whilst the perceptions and experiences of an individual who makes a report in good faith will be respected as genuine, they may not always lead to a report being upheld.

3.2. Sexual harassment

3.2.1 Sexual harassment is defined under this policy as:

An incident where a person engages in unwanted conduct of a sexualised nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.⁴

3.2.2 Sexual harassment may occur between members of the same sex or of the opposite sex. It can be a single incident that may or may not be directed at an individual but may be witnessed or overheard by a third party. It may be carried out by an individual

⁴ The definition of Sexual Harassment used in this Policy is that defined by the Equality and Human Rights Commission.

who is in a position of authority over another or to undermine the position of authority of another.

3.2.3 Examples of unwanted conduct of a sexualised nature include a range of behaviours that are not limited to the following:

- sexual comments, gestures or jokes,
- leering, staring or suggestive looks which are unwanted or unwelcome once someone has made their disinterest clear,
- unwanted touching, hugging or kissing,
- unwanted sexual advances, attention and demands for sex,
- making promises in return for sexual favours,
- intrusive questioning about a person's private sexual activity and sharing own sexual activity which is unwanted,
- displaying sexually graphic pictures, posters or photographs, including those in electronic forms such as computer screensavers or posts/contacts on social media,
- sending sexually explicit emails or text messages which are unwanted,
- sharing sexual images of another person without their consent- often referred to as revenge porn,
- other behaviour, including offensive communications.

3.2.5 In addition, misogyny, which differs from harassment, defines sexist attitudes and ideology forming the basis of prejudice or discrimination towards women⁵.

3.3. Bullying

3.3.1 Bullying covers a range of behaviours and may often - but not always - be committed by a person in a position of authority. Bullying may be carried out by one individual against another, or could involve groups of people (for example a group of colleagues against one member of staff or against another group of colleagues)

Bullying may be broadly defined as behaviour which is:

- Usually persistent,
- Unwarranted and unwelcome,
- Offensive, intimidating, humiliating, malicious or insulting.

It undermines another's confidence, reducing feelings of self-esteem and self-worth.

⁵ currently not recognised as a hate crime under UK legislation

3.3.2 Bullying may be verbal, non-verbal, physical or by another means of communication including electronics. Examples of behaviours that may amount to bullying include but are not limited to:

- physical or verbal abuse, including threats,
- psychological intimidation, humiliation, excessive and/or unreasonable criticism,
- unjustifiable removal of areas of responsibility,
- ostracism,
- setting unreasonable and unrealistic workplace goals/targets,
- asserting a position of intellectual superiority in an aggressive, abusive or offensive manner; threats of academic failure; public sarcasm and humiliation.

3.3.3 It should also be noted that in a workplace situation proportionate, constructive and fair criticism of a member of staff to address performance concerns will not be considered to be bullying. Likewise, workplace practices such as reallocation of responsibilities and associated changes, and circumstances such as competing pressures of work and spikes in workload will not generally be considered to be harassment or bullying

3.4. Cyber bullying

3.4.1 Cyber bullying is a form of bullying which takes place online via social networking sites, messaging apps, gaming sites and chat rooms. It involves sending offensive, hostile, rude, insulting or threatening messages or sending fake information about another person that is damaging and untrue

3.5. Hate Incidents and Hate Crimes

3.5.1 Hate incidents are incidents which appear to the individual, groups or anyone else to be based on prejudice towards them because of their race, religion, sexual orientation, disability or transgender identity. Examples of hate incidents are verbal abuse, intimidation, abusive phone calls, online abuse, graffiti or threats of violence⁶.

⁶ Our approach to defining hate crimes and hate incidents is informed by the Universities UK Changing the Culture report.

3.5.2 Hate incidents include:

- Antisemitism - discrimination, prejudice or malicious acts against individuals, communities or organisations because of their Jewish identity⁷;
- Bi-phobia - discrimination, prejudice or abusive behaviours towards bisexual people;
- Disableism - discrimination, oppression or malicious acts towards individuals with a physical, learning or mental health disability.⁸
- Homophobia - umbrella term defining discrimination, prejudice or malicious acts towards lesbian, gay, bisexual, queer or questioning people;
- Islamophobia - discrimination, prejudice or malicious acts against individuals, communities or organisations because of their Muslim identity;
- Racism - the discrimination, prejudice or malicious acts towards individuals or communities because of skin colour, ethnicity, nationality, language, customs or practices or place of birth;
- Transphobia - umbrella term defining discrimination, prejudice or malicious acts towards trans people and gender identities.

3.5.3 Where there is an overlap with criminal law, a hate incident may also be a criminal offence and if so, is referred to as a hate crime. Hate crimes denote criminal acts such as assault, harassment, sexual offences, criminal damage and hate mail, which is perceived to be motivated by hostility or prejudice based on race, religion, sexual orientation, disability or transgender identity.

3.5.4 Hate speech (which differs from verbal abuse) is a subset of a hate crime and is described as an offence for using “threatening, abusive or insulting words or behaviours, or displaying writing, signs or other visual representations that causes or is

7 The University has adopted the International Holocaust Remembrance Alliance working definition of antisemitism: Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

We also add the following caveat recommended by the Home Affairs Select Committee that:

- It is not antisemitic to criticise the government of Israel, without additional evidence to suggest antisemitic intent
- It is not antisemitic to hold the Israeli government to the same standards as other liberal democracies, or to take a particular interest in the Israeli government’s policies or actions, without additional evidence to suggest antisemitic intent.

8 The policy describes a disability as defined in the Equality Act as a physical or mental impairment which has a substantial and long-term adverse effect on the individual’s ability to carry out normal day-to-day activities.

likely to cause another person harassment, alarm or distress”⁹ may also be deemed a criminal offence.

3.6. Victimization

3.6.1 Victimization is defined in this policy as being:

- Where someone is treated less favourably because they have taken or intend to take action under this Policy.
- Where someone is supporting a colleague who has taken or intends to take action under this policy this extends to the individual who is supporting the reporting party.

3.6.2 Examples of victimisation:

- Penalising someone by excluding them from work activities because they have made a report of harassment or bullying.
- A student makes a report alleging that their tutor has made discriminatory remarks and as a result they are ignored by other staff members.

4. Confidentiality

4.1 All evidence provided under this policy and procedure will be treated in a sensitive and confidential manner. Information will be shared on a need-to-know basis, including as appropriate with the reported staff member. Unnecessary disclosure of such allegations may result in disciplinary action.

4.2 As part of the investigatory process the identity of the individual(s) providing the evidence may have to be revealed and, as appropriate, they may be requested to make a statement and/or attend an investigatory interview or be part of a fact finding process.

5. Anonymous reporting

5.1 Individuals raising a report are encouraged to identify themselves. Typically, information from reports made anonymously will only be used to monitor the levels of incidents across the campus. However, depending on the seriousness of the issue, the credibility of the concern, and importantly, any evidence available in an anonymous report and the likelihood of being able to investigate the matter, the University may investigate an anonymous report and confirm the information from alternative sources.

⁹ Section 4 of the Public Order Act 1986 (POA).

6. Reports made in good faith

- 6.1 This policy is intended to promote a consistent approach in handling reports that are made in good faith.
- 6.2 No action will be taken if a report which, following an investigation, proves to be unfounded and is judged to have been made in good faith. If there is evidence that allegations of harassment or bullying have been made vexatiously, that false information has been provided or that the person making the report has otherwise acted maliciously, appropriate action may be taken against them under this policy or under the relevant disciplinary procedures.

7. Counter reports

- 7.1 It is acknowledged that counter-reports of harassment, bullying and hate incidents sometimes arise when a report is made. In the event that a report gives rise to counter-reports, where appropriate, these should be considered at the same time as the original report, as an independent report.

8. Collective reports of Harassment, Bullying and Hate incidents

- 8.1 Reports that are brought by more than one individual about the same issue, will be considered on a case by case basis depending on the nature of the report.
- 8.2 The same procedure will apply and, where necessary, such reports will be overseen by one Investigating Manager and investigated by one Investigating Officer to ensure consistency of approach.
- 8.3 Each individual member of the collective report must provide specific details of the incident(s) as it relates to them personally. It should be noted that investigations involving a collective report are likely to take longer to investigate and therefore the indicative timescales may need to be extended.

9. Record keeping

- 9.1 The University and all those involved in following this policy and procedures will comply with the principles of the GDPR (General Data Protection Regulation).

10. Review of policy and procedure

- 10.1 This policy and procedure will be reviewed by the Equality, Diversity and Inclusion Committee three years after implementation.

11. Other University policies and guidance

11.1 This Policy can be read in conjunction with the following policies and procedures:

[Equality and Diversity in Employment Policy](#)

[Equality and Diversity Policy for Students](#)

[Personal Relationships Policy](#)

[Social media guidelines for staff](#)

[Social media safety guidance for students](#)

[Staff disciplinary procedure](#)

[University's Regulation 7 - Student Discipline](#)

[York University Students Union - Complaints and Conduct](#)

[YUSU code of conduct](#)

[Graduate Student Association - advice and support](#)

Approved by UEB

March 2020

Procedure for dealing with reports of harassment, bullying and hate incidents against university staff.

1. General Principles

- 1.1 The procedure below applies where the individual who is the subject of a report – referred to as the reported staff member - is a member of University staff. The Director of Human Resources or nominee will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the University.
- 1.2 Both parties to a report (the reported staff member and the reporting party) should be kept updated by a nominated person, for example, the investigating officer, at appropriate intervals throughout the course of the investigation.
- 1.3 At any stage in the procedure, appropriate interventions such as mediation, fact-finding or non-adversarial discussions, with the aim of facilitating resolution of the issue, may be undertaken; these informal approaches are encouraged where appropriate.
- 1.4 There is an expectation that – in the interests of on-going and effective working/studying relationships – every effort will be made by the parties involved to resolve reports of harassment, bullying and hate incidents through informal procedures where appropriate.
- 1.5 **Right to be accompanied**
The reported staff member and the reporting part have the right to be accompanied and supported by a trade union representative or by a colleague of their choice from within the University at any meeting held under this procedure (legal representation would not be appropriate as these meetings do not form part of a legal process).
- 1.6 **Support**

All parties may seek support from those listed in Appendix A.
- 1.7 **Movement between procedures**
If a report falls within more than one University procedure (whether apparent at the outset or becoming apparent during the investigation) the University will decide how best it can be dealt with, fairly and proportionately. It may be appropriate for there to be either parallel or sequential investigations to avoid duplication or potentially conflicting decisions. Those involved will be informed of the reasons for the movement between procedures.

2. Reporting to the Wellcome Trust (research funding/ grant applications only)

2.1 The University is required to inform the Wellcome Trust that the lead applicant (and sponsor / supervisor if relevant) to a submitted grant application has not had an allegation of bullying or harassment upheld against them for which there is either a current formal disciplinary warning or an active sanction. This process will be jointly managed between Human Resources, Research Support Policy Office and the relevant academic department involved in the grant application.

For further information, please visit:

<https://wellcome.ac.uk/funding/guidance/bullying-and-harassment-policy>.

3. Informal procedures

3.1 Taking Personal Action

3.1.1 If an individual feels that they have been, or are being subjected to harassment or bullying, they may feel able to take action on their own to make the other person aware of the effect of the behaviour on them and how they may be able to amend it; this is encouraged where appropriate and safe to do so.

3.1.2 In some cases, the reported staff member may be unaware that their behaviour is having a detrimental impact on another individual. This is worth considering as it may be a fairly straightforward matter to point out to them what it is that has caused offence or has been interpreted in a particular way and that may be sufficient to prevent a recurrence.

3.1.3 In many situations, taking personal action can be the most effective and relatively simple way to raise concerns and resolve issues. However, an individual should not feel obliged to raise concerns in this way and should be made aware of the other available options.

3.1.4 An individual may feel able to have a conversation with, or write to, the other person and explain, as clearly as possible, what it is that they consider to be unacceptable about the behaviour and suggest to them how they may be able to amend it.

3.1.5 An individual may arrange to talk to a line manager, HR adviser or Trades Union representative to explore options for resolution and support; this may include mediation in appropriate circumstances.

3.1.6 If an individual does decide to take personal action it may be advisable to note down factual information about the discussion that takes place and any agreed outcomes. It will also be helpful to keep copies of relevant written or email correspondence.

3.2 Involving a line manager

3.2.1 If the individual has not been able to resolve the issue through a personal approach – or does not wish to follow this route - but still wishes to seek informal resolution, they should approach their line manager to ask for support in achieving a resolution of the problem. The reporting party should provide details to their line manager regarding the incident(s) of alleged harassment/bullying.

3.2.2 It is the responsibility of the line manager – with advice and support from the HR Partner/HR Advisor - to seek to resolve the matter.

3.2.3 If the report is against the member of staff's line manager, it should be raised with the next level of line management.

3.2.4 The line manager will consult with the reporting party before deciding how to progress this and will be done in a sensitive and appropriate manner.

3.2.5 In all cases when receiving an informal report, the line manager may seek advice from their HR Partner/HR Advisor to inform the next steps. This may involve a conversation to explain the situation and verify that the proposed next steps are appropriate.

3.2.6 The line manager – in consultation with their HR Partner/HR Advisor – may decide on a number of actions depending on the nature of the report which may include:

- brief fact-finding in order to establish what has occurred.
- Making recommendations as to how the reporting party may resolve the issue themselves.
- Negotiating agreed standards of behaviour between the parties involved.
- Communications to all parties in order to reinforce appropriate policies, procedures or broad expectations the University has around conduct within the workplace and institutional values.
- Negotiating a way forward between the parties for example facilitating – where appropriate – an apology and/or a commitment not to repeat the behaviour.
- Making temporary or permanent adjustments to working arrangements.
- Referring the matter to a more senior manager in cases where serious harassment or bullying may have occurred.

3.2.7 The line manager and HR Partner/HR Advisor will take account of the wider implications of any report. For example, they will consider whether the report may be part of a more systemic pattern of behaviour within the workplace.

3.2.8 In circumstances where the reporting party would prefer not to go to their line manager or escalate to a more senior manager it is advised that they contact their HR Partner/HR Adviser to discuss a suitable approach.

3.3. Entering a Mediation process

3.3.1 In some situations, it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked.

3.3.2 In the case of a report by a member of staff, experienced mediators acceptable to both parties will normally be nominated by the Mediation Coordinator. The mediators will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that there will be an initial meeting with each party on the same day (in the morning) as the mediation meeting where the parties are brought together (in the afternoon). Any agreements would be in place immediately following mediation.

3.3.3 All those involved in the mediation process must maintain appropriate confidentiality. For further information, please see the [Mediation Service](#) web page.

4. Formal Procedure

4.1 If informal action does not succeed in resolving the report, or would not be appropriate given the nature and/or seriousness of the report, the HR Partner/HR Adviser will inform the line manager of the reported staff member of the incident(s).

4.2 The line manager will be responsible for informing the reported staff member of the report and begin the formal procedure.

4.3 The line manager involved will explore with the HR Partner/HR Adviser whether and how an investigation should be conducted, including the appointment of an investigating officer and investigating manager (see 4.2.1) if appropriate.

4.4 Consideration will be given to the clarity of the evidence, the number of potential witnesses, the range and nature of the issue involved to determine whether there is a need for a fairly straightforward fact-finding exercise, or a more detailed and thorough investigation as detailed below.

4.1. Submission of a Formal report

4.1.1 The reporting party should set out the details of their report as clearly and succinctly as possible to their line manager and should include the following information:

- a. The name of the reported staff member.
- b. The nature of the behaviour about which the report is made.
- c. The impact the alleged behaviour has had on them.
- d. Information about the times, dates and locations of any incidents, where possible.
- e. An indication of whether anyone else might have observed the behaviour in question.
- f. Details of any action that has already been taken to address the alleged behaviour and the outcome of any such action.
- g. The resolution that is being sought.

4.2 Formal Investigation

Identification of an investigating manager and investigating officer.

4.2.1. Upon receipt of a formal report containing all the information (at 4.1.1) the Line Manager will seek advice from the HR Partner/HR Advisor to agree the following in relation to a formal investigation of the report:

- Identification of an investigating manager who will have oversight of the investigation.
- Identification of an investigating officer to undertake the investigation into the report.
- Neither the investigating officer nor the investigating manager should have had significant previous contact with the reporting party, the reported staff member or issues identified in the report.

4.2.3 The **investigating manager** should be of sufficient seniority to be able to ensure implementation or otherwise act on any recommendations made by the **investigating officer**. This will be done by notifying the Head of Department of the action required.

4.2.4 The **investigating officer** will usually be a manager in another department of an appropriate level of seniority.

Note: The relationship between the reporting party and the reported staff member will determine who will be investigating manager and investigating officer. For example, the report may be against a colleague who is a peer, against their line manager or against someone who works in another department

4.2.5 The **investigating manager** will, in consultation with the HR Partner/HR Advisor determine the following:

- The scope of the investigation,
- The outcomes to be sought by the **investigating officer**.

4.2.6 The **investigating officer** will, in consultation with the HR Partner/HR Advisor determine the following:

- What evidence will be gathered, including who will be interviewed as a potential witness, to enable a decision to be taken on whether – on the balance of probabilities – the report of harassment or bullying should be upheld,
- Timelines for the investigation.
- Who will communicate with the reporting party and the reported staff member to advise them that an investigation is to be undertaken and to keep them informed of progress with it including next steps.
- The investigating officer will consider the findings of their investigation and determine whether any further investigation is required before concluding their investigation report.

Advice for staff assigned to undertake the investigation

4.2.7 The purpose of an investigation is to establish the relevant evidence in connection with the allegation(s) made by the reporting party.

4.2.8 The Investigating Officer is seeking to establish whether – on the balance of probabilities – the alleged behaviour complained about was more likely to have happened than not. To do this they will need to form a genuine belief, based on reasonable grounds following an appropriate investigation. This will involve the following:

- Examining all the evidence in an objective manner.
- Taking account of the various versions of events including those of both the reporting party and the reported staff member.
- Taking account of any witness evidence.
- Interviewing as many individuals as is reasonable to support an appropriate investigation and the formation of a view of whether the incident(s) complained about took place on the balance of probabilities.
- Distinguishing between fact and opinion, and weighing accordingly.

- Reviewing all the evidence to determine what is more likely than not to have happened.

4.2.9 The investigation should be concluded as soon as is reasonably practicable. The **investigating officer** will prepare a report and may, if appropriate, make recommendations on possible courses of action to the **investigating manager**.

4.2.10 The procedure for an investigation will normally be as follows, but may be adapted by the **investigating officer** to meet the needs of the case:

- a. The investigating officer will meet the reporting party to confirm the details of the report.
- b. The investigating officer will meet the reported staff member to establish their response to the report.
- c. The investigating officer will meet with individuals identified as having relevant evidence to contribute to an understanding of the report. (Those interviewed in the course of an investigation will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably practicable).
- d. The investigating officer will ensure that any meetings are conducted in a suitable environment with appropriate representation, particularly ensuring the appropriate gender representation when an individual is disclosing incidents of sexual harassment.
- e. Having considered all the evidence, including any relevant documents, the investigating officer will prepare a written report covering the following:
 - Details of the allegations being investigated.
 - The scope of the investigation.
 - How the investigation was carried out.
 - The result(s) of the investigation.
 - The conclusion(s)/finding(s) of the investigation.
 - Any recommendations arising from their findings.
- f. The report will be forwarded to the **investigating manager** with a copy to the HR Partner/HR Advisor.

4.2.11 The **investigating manager** will consider and finalise the report, including the findings and recommendations from the **investigating officer** and will ensure appropriate action is taken. The investigating manager will share the report summarizing the findings and recommendations with the line manager(s) of the reporting party and the reported staff member.

- 4.2.12 The **investigating manager** will inform the reporting party and the reported staff member of the outcome of their investigation separately and confirm the actions they will be taking as a result of the conclusion of the investigation.
- 4.2.13 The **investigating manager** will also inform any other parties who have been asked to participate in an investigation that it has been concluded.
- 4.2.14 The **investigating manager** will confirm to the line manager and/or head of department (as appropriate) of the reporting party and the reported staff member what action is required as a result of the conclusion of the investigation.
- 4.2.15 The line manager and/or head of department (as appropriate) will implement any actions as notified by the **investigating manager**.
- 4.2.16 Every effort will be made to achieve a timely resolution to the report – the aim being to conclude any investigation within a period of no more than six working weeks. Both the reporting party and the reported staff member will be expected to cooperate with the University in achieving that result. In exceptional cases, an investigation may take longer than six weeks, and both parties will be kept updated about the progress of the investigation.
- 4.2.17 There may be exceptional circumstances in which a reporting party is not willing, or able, to make a formal report but the line manager considers that the implications for them or others - actually or potentially affected - are serious. This may include cases where other parties, but not the reporting party, have made a report. In this case, the line manager will notify the head of department and consult the HR Partner/HR Advisor and an investigation may be undertaken which leads to action being taken based on such evidence as is available.

4.3 Possible outcomes

- 4.3.1 Depending on the nature of the report and the evidence found, including the findings of any investigation, the **investigating manager** will ensure - in consultation with the HR Partner/HR Advisor – that the following are considered and implemented as appropriate:-
- a. Take **no further action**, other than, where appropriate, implement or recommend steps that would help to restore reasonable professional relationships between the parties. It is acknowledged that both parties may need support in moving on from the event(s) which may involve advice being sought from the HR Advisor.
- This approach will usually be appropriate where the claim(s) of harassment or bullying is (are) considered to be unfounded and where there is a continuing relationship between the parties or an informal resolution has been reached.

- b. Initiate resolution of the issues. This may be by requiring that certain individuals undertake specific training or implementing practical arrangements to improve professional relationships. If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period.

This approach will usually be appropriate where the evidence does not support a claim of harassment or bullying but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or alternatively, that there are other issues within a department that require management attention.

- c. Invoke the **Disciplinary Procedure** against the reported staff member where the investigating manager is reasonably satisfied that there is evidence to support allegations of harassment or bullying of a sufficiently serious nature that should be examined further through the disciplinary process.

In this event, the investigating manager will determine what intermediate measures are necessary, including any re-allocation of duties, including line management and supervision responsibilities.

- If there is a recommendation that the individual has a disciplinary case to answer, the **investigating manager** will discuss this with the HR Partner/HR Advisor and a senior member of the University who has not previously been involved will be appointed to consider the case under the University's Disciplinary Procedure.
 - In accordance with the Disciplinary Procedure the formal investigation report will be provided to the senior member and it is expected that will provide sufficient information and evidence to proceed straight to a disciplinary hearing. If additional information is needed, further investigation will be carried out by the existing investigating manager/officer due to their familiarity with the case.
 - If more information is needed this will be sought prior to a hearing taking place. Once all the evidence is available, the senior member of staff will convene a Disciplinary Hearing in accordance with the Disciplinary Procedure.
- d. In rare cases, disciplinary or other appropriate action may be taken against the reporting party if the investigating manager is satisfied that the report of harassment, bullying or hate incident is vexatious, malicious or otherwise not made in good faith.
- e. In some situations, it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked.

5 Appeal

- 5.1 If an individual is not satisfied with the outcome of the report they may write to the Director of HR **within ten working days of receipt of the outcome**, exercising their right of appeal.
- 5.2 This excludes the situation where the decision is to refer the matter for consideration under the University's Disciplinary Procedure where any matters of dispute will usually be considered as part of the individual's response under that procedure.
- 5.3 The letter must detail the grounds for appeal which should be addressed under one or more of the following headings:
- The procedure was flawed.
 - The decision was unfair or perverse because the evidence did not support the outcome reached.
 - New evidence is available that could not have been made available to the original investigation.
 - Any action proposed was inappropriate in the circumstances of the case.
- The Director of HR will appoint an appeals officer to consider the appeal who has not been previously involved in the case.
- 5.4 The purpose of the appeal is to enable the individual to explain the reasons for their appeal. It will focus on the grounds of appeal and will not be a re-hearing of the original investigation.
- 5.5 The appeal may involve:
- Interviewing the appellant.
 - Interviewing the investigating manager who had oversight of the investigation into the report.
 - Interviewing the investigating manager who investigated the report.
 - Gathering, where appropriate, additional documentary evidence from the appellant and any other relevant individual(s).
 - An appeal hearing.
- 5.6 Where an individual has exercised their right to appeal against the outcome, the HR Partner/HR Advisor will write as soon as reasonably practicable to all the parties concerned notifying them of the arrangements for the appeal.

5.7 Where the appeal process is varied by the appeal officer they will explain the reason(s) for the variation and record them in the official record of the outcome. The outcome following any appeal will be final.

Appendix A - Sources of support and advice

Support

Line Manager - Line managers have responsibility for ensuring that complaints are resolved.

HR Partner/Advisor - Each department is supported by an [HR Partner and an HR Advisor](#). They provide specialist support and advice on all HR issues to managers and staff.

Mental Health First Contact Network - is a [network](#) of trained staff who are a first point of contact if you are experiencing emotional or psychological distress.

Work colleague - A work colleague can support the member of staff raising a complaint.

[Trade Union Representative](#) - Staff members can seek support from their Trade Union.

[Health Assured](#) - Employee assistance programme with counsellors available to talk through any problem, at any time.

Advice

Equality and Diversity Office - The [Equality and Diversity Office](#) supports the implementation of this policy across the University and provides advice and guidance on equality and diversity issues.

Procedure for dealing with reports of harassment, bullying and hate incidents against university students.

1.1. General Principles

- 1.1.1 The procedure below applies where the individual who is the subject of a report – referred to as the reported student - is a registered student at the University.
- 1.1.2 At any stage in the procedure, appropriate interventions such as fact-finding or non-adversarial discussions, with the aim of facilitating resolution of the issue, may be undertaken; these informal approaches are encouraged where appropriate.
- 1.1.3 There is an expectation that every effort will be made by the parties involved to resolve reports of harassment, bullying and hate incidents through informal procedures, where this is appropriate. However, in some circumstances where there is disclosure which are of particular concern, the University may choose to take formal action.

1.2 Right to be accompanied

- 1.2.1 At any hearing, a student may be accompanied by one of either a registered student or employee of the University, or (if an undergraduate) the Academic and Welfare Coordinator or other similar sabbatical officer of YUSU, or (if a postgraduate) the Representation, Advice or Welfare Coordinator or other similar officer or staff member of GSA.
- 1.2.2 The accompanying person (listed above) cannot represent the student or attend if the student is not present in person, or be a co-accused or witness to any alleged offence.
- 1.2.3 If a student requests support from someone other than a member of the University or those listed above, the request will be considered by the investigating officer, and permission may be given.

1.3 Movement between procedures

- 1.3.1 If a report falls within more than one University procedure (whether apparent at the outset or becoming apparent during the investigation) the University will decide how best it can be dealt with, fairly and proportionately.
- 1.3.2 It may be appropriate for there to be either parallel or sequential investigations to avoid duplication or potentially conflicting decisions. Those involved will be informed of the reasons for the movement between procedures.

1.4 Support

1.4.1 All parties may seek support from those listed in Appendix A.

2. Informal procedures

2.1 Taking Personal Action

2.1.1 If an individual student feels that they have been, or are being subjected to harassment, bullying or a hate incident by another student(s), they may feel able to take action on their own to make the reported student aware of the effect of the behaviour on them and how they may be able to amend it; this is encouraged where it is appropriate and safe to do so.

2.1.2 In some cases, the reported student may be unaware that their behaviour is having a detrimental impact on another individual or individuals. This is worth considering as it may be a fairly straightforward matter to point out to them what it is that has caused offence or has been interpreted in a particular way and that may be sufficient to prevent a recurrence.

2.1.3 In many situations, taking personal action can be the most effective and relatively simple way to raise concerns and resolve issues. However, an individual should not feel obliged to raise concerns in this way and should be made aware of the other available options.

2.1.4 An individual may feel able to have a conversation with, or write to, the other person and explain, as clearly as possible, what it is that they consider to be unacceptable about the behaviour and suggest to them how they may be able to amend it.

2.2 Involving an appropriate member of staff

2.2.1 If the individual has not been able to resolve the issue through a personal approach – or does not wish to follow this route - but still wishes to seek informal resolution, they should approach the following to support them in achieving a resolution:

- Their college manager -if the incident or behaviour has occurred within their accommodation, college or social environment.
- An appropriate academic supervisor or departmental contact -if the incident or behaviour has occurred during a lecture, seminar or associated academic environment, which has / is having an impact on academic activities.

- 2.2.2 The reporting party should provide details to their college manager or academic supervisor/departmental contact regarding the incident(s) of alleged harassment, bullying or hate incident.
- 2.2.3 In all cases of receiving an informal report, the college manager or academic supervisor/departmental contact may seek advice and support from Student Life and Wellbeing team or the Equality and Diversity Office, and will work with the reporting party to seek to facilitate an informal resolution to the matter.
- 2.2.4 The college manager or academic supervisor/departmental contact will consult with the reporting party to decide how to progress it and this will be done in a sensitive and appropriate manner. Bear in mind that the reported student may not be aware of the impact their behaviour is having.
- 2.2.5 The college manager or departmental staff member or college manager will take account of the wider implications of any report. For example, they will consider whether the report may be part of a more systemic pattern of behaviour, one which has been reported previously.
- 2.2.6 The college manager / departmental contact may decide on a number of actions depending on the nature of the report which may include:
- brief fact-finding in order to establish the nature of the situation,
 - Making recommendations as to how the student making the report may resolve the issue themselves (if they have not considered taking personal action in the first instance),
 - Facilitating a conversation between parties to encourage respectful, open and constructive communication,
 - Negotiating agreed standards of behaviour between the parties involved,
 - Communications to all parties group in order to reinforce appropriate policies, procedures or broad expectations the University has around conduct and institutional values,
 - Negotiating a way forward between the parties, for example, facilitating – where appropriate – an apology and/or a commitment not to repeat the behaviour,
 - Referring the matter to the formal procedures under Regulation 7 in cases where the informal procedures have not provided a satisfactory outcome, or where the matter requires a more formal approach.

- 2.2.7 If informal action does not succeed in resolving the report, or would not be appropriate given the seriousness of the report, the University may consider whether 1 or more of its procedures may be appropriate for it to be referred to (below).

3. Formal Approach

3.1 Report and Support

- 3.1 A student may wish to make a formal report directly, using [Report and Support](#), the University's online mechanism for reporting serious misconduct including harassment, hate crime and sexual violence.
- 3.2 If a formal report is received through Report and Support, an appropriate staff member will make contact to establish what steps have been taken so far, including establishing whether the informal procedure has been attempted in the first instance, if appropriate.

3.2 Invoking Student Discipline procedures

- 3.2.2 In cases which are referred to [Regulation 7: Student Discipline](#), a formal investigation will be carried out by an authorised member of staff, who has not had involvement in the informal procedures.
- 3.2.3 Information gathered as part of the informal fact finding process, may be used as part of a formal investigation under Regulation 7: Student Discipline, to avoid duplication of process as far as possible.
- 3.2.4 The decisions will be based on the rules of natural justice and the balance of evidence, and may take into consideration accounts of witnesses, or any other evidence available.
- 3.2.5 Under Regulation 7, a finding will be made as to whether a student's behaviour has constituted student misconduct, and if a case is found, sanctions may be applied, including but not limited to financial fines, restorative solutions, and suspension or termination of studies.

4. Appeals

- 4.1 Where a reported student wishes to contest a decision made following a formal investigation, a written appeal can be submitted within fourteen days of the date of the decision, as identified within the Regulation 7 process.

Appendix A - Sources of support and advice

Support Available from the University

Sometimes it is hard to know where to turn for support. If you're not sure where to start or the thing worrying you doesn't feel like it fits any of the previous articles then this is a summary of what is available to you from the University.

- [Student Hub](#). The first point of contact for areas relating to student support and advice. They will be able to point you in the right direction with regards to which service may be suitable to your needs.

You can also talk to a range of specialist advisers at the Student Hub in the centre of campus. They can provide advice and information to help you manage your wellbeing as well as guidance and information on practical matters such as:

- Private sector housing in York
 - Employment rights and consumer issues
 - Money matters
 - Childcare
 - Visas and immigration advice
 - Taking a break from your studies/ leaving the University
- College support. Speak to a member of your College team, such as administrator, tutor or manager for support. Your college provides a focus for social and community life, as well as help with day-to-day matters. During your first week as an undergraduate student you'll be guided by some of our second and third year students (known as STYCs), helping you settle in and transition to university. Your college team are there throughout the year, offering support and guidance. They can help with issues relating to [college life](#), accommodation and activities.
- Academic Supervisor. A member of your teaching department will act as your supervisor throughout your course. They'll advise you on your academic progress and can help with your personal development, or signpost you to other services within the University. You'll meet up regularly through the academic year, so they will be familiar with your academic work and personal interests.
- Disability Services. We're committed to providing the best possible support for students with a disability or Specific Learning Difficulty. Their experienced specialist advisers can offer advice and guidance for students with a range of disabilities including:
 - Dyslexia and Specific Learning Difficulties

- Asperger syndrome
- Visual and hearing impairments
- Mental health difficulties
- Mobility impairments
- Long term health conditions.

[Contact](#) them for advice on reasonable adjustments to teaching, assessments, and exams. They can also provide study skills support and referral to other support services within the University.

- **Open Door Team.** For counselling and mental health support our [Open Door Team](#) professionals provide support to students experiencing psychological or mental health difficulties. They can work in tandem with the NHS, your GP or other services if you're receiving therapeutic or medical help for a long-term condition.
- **York Nightline.** York Nightline is a confidential listening service run by students, for students. They don't give advice; they're just here to listen to whatever is on your mind. They are available for visits, phone calls, email, and IM, with information about how to use the service [here](#). They also offer free sexual health supplies and information on a number of topics.
- **York Samaritans** offer a drop in service on Campus during term time between 18:00 and 20:00 on Mondays in LFA/130 and Wednesdays in GNU/001.
- **Security Team.** If you feel unsafe whilst on campus, or you're worried about someone else's safety the Security Team are on Campus 24 hours a day every day of the year. Located in the Security Centre in Market Square they can be called in emergencies on (freephone) 0800 43 3333 or dialling 3333 from any campus phones. If it isn't an emergency you can call 01904 32 4444 (or dial 4444 from any campus phone) to speak to them instead.

They also run the [Safezone App](#).

- **Health Centre.** The health centre closest to campus, [Unity Health](#), offers GP appointments, a repeat prescription service and walk-in clinics. You can register for the practice online. If you take any medication, have a long term health condition or disability you should contact them before you arrive, so they can help you make a smooth transition.
- **Sexual Violence Liaison Officer (SVLO).** Offers one-to-one practical and emotional support and can provide information on internal and external reporting procedures and support services. Support is led by your needs and you will not be pressured into taking any particular course of action. You can get in contact by completing this [form](#)

- **Faith Chaplaincy and Spiritual Support.** Our two Christian chaplains are available to people of all faiths and none. Alongside our chaplaincy we have a range of contacts from other world faiths. You can also access a number of dedicated spaces for prayer and reflection on campus.

- Christian chaplains
- Faith contacts
- Prayer facilities

There are also a number of student societies dedicated to celebrating and exploring world faiths, such as the Jewish Society, the Christian Union and the Society, just to name a few. All students are welcome to join from devout believer to just curious. There is also a student-led Meditation Society.

- **Cultural Support.** Cultural student societies such as the African Caribbean Society, Chinese Society, Polish Society, and Saudi Students Society are a great way to meet other people from your country. These groups are open to all students no matter where you're from. You can learn about different cultures and traditions, receive informal language training and try out different world cuisines. You can search societies [here](#)
- **Big White Wall.** An anonymous 24/7 online global community with support from trained professionals which you can log onto using your university email address.
- More information on specific topics and support for different student groups is available on the University of York [support page](#).

Separate from the University you can get advice and support from the Student Unions:

- [YUSU Advice and Support Centre](#) for undergraduate students.
- [Graduate Students Association](#) for graduate students.