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University of Westminster
Diversity and Dignity at Work and Study Policy

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Supersedes all previous versions:

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Section 1:
The Diversity and Dignity at Work and Study Policy

1.1   Statement of Intent

The University of Westminster is committed to supporting diversity and equal opportunities in our dealings with job applicants, students, staff and the public. We are fully committed to creating a stimulating and supportive learning and working environment which is supportive and fair, based on mutual respect and trust, and in which harassment and discrimination are neither tolerated nor acceptable.

This will allow staff and students to reach their full potential, regardless of their age, disability, gender, gender identity, marital/civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, ethnic or national origins, family circumstances, nationality, political beliefs and affiliations, socio-economic background, or other irrelevant distinction.

Relevant definitions can be found in Appendix 1.

1.2   Purpose and Scope

1.2.1 Purpose

The Diversity and Dignity at Work and Study policy has been designed to protect the well-being of all members of the University. The purpose of this document is to set out the University's position on bullying and harassment (including victimisation) and to provide a framework for students and staff to bring complaints about such behaviours.

1.2.2 Scope

This policy covers work and study-related events (including social events) at all University of Westminster sites and off site, including overseas, as part of the normal working and learning environment.

The behaviours and responsibilities set out in this policy apply to the following members of the University community:

- All contracted members of staff (including visiting staff) and staff from other institutions on placement at or visiting the University
- All students, including visiting and placement students
- Contractors working at the University
- Individuals representing, working or acting on the University's behalf (including suppliers)
- Staff working within or for the University of Westminster Students' Union (UWSU)
- Staff of University of Westminster subsidiaries

The principles of the statement of intent extend to expectations of visitors and external users of the University's premises and others in the Westminster community.

1.3   Responsibilities

The responsibilities with respect to this policy are laid out below. Valued behaviours can be seen in Appendix 2.

1.3.1 Individuals

It is the duty of all members of the University (including those listed in section 1.2.2) to comply with both the letter and spirit of the Diversity and Dignity at Work and Study Policy. Members of the Westminster community should ensure that their behaviour towards others does not cause offence and could not in any way be considered harassment or bullying.

Differences of attitude or culture and misinterpretation of social signals can mean that what is perceived as harassment by one person may not be apparent to another. It is important to be sensitive to the feelings and reactions of others.

Individuals will ensure that they:

- treat fellow students, staff and visitors with courtesy, respect and dignity and foster a supportive and inclusive environment
- embrace diversity and promote equality
- build and maintain excellent working relationships at all levels across the University
- consider the appropriateness of their behaviour and the effect it has on others and be prepared to adjust it if necessary
- participate in training and support the implementation of this policy where appropriate
- challenge harassing or bullying behaviour as and when appropriate
- contribute to a stimulating learning and working environment which is supportive and fair, based on mutual respect and trust, and in which harassment and discrimination are neither tolerated nor acceptable

1.3.2 Line managers and lecturers/supervisors

Line managers and lecturers/supervisors will additionally ensure that they:

- build on excellent relationships to foster effective and inclusive team working, modelling partnership working at all levels
- make every effort to ensure that harassment and bullying do not occur in work or study areas for which they are responsible
- respond sensitively or supportively to any member of staff or student who alleges harassment or bullying and provide clear signposting of the correct procedures to follow
- monitor that no problems of harassment, bullying or victimisation arise as a result of a complaint being made
- take early action when aware of unacceptable behaviour to address it before a complaint is made (which may be sufficient to address the behaviour)
- ensure that staff and students know how to raise issues and are aware of the Diversity and Dignity at Work and Study policy and sources of support
- create a stimulating learning and working environment which is supportive and fair, based on mutual respect and trust, and in which harassment and discrimination are neither tolerated nor acceptable

1.3.3 Leaders

Leaders will ensure that they:

- harness trust, collaboration and connectivity through excellent working relationships, putting equality, diversity and inclusion at the heart of what we do Specifically:

- the Vice Chancellor has designated the Director (Organisation Development and Wellbeing) as the member of Senior Staff with overall responsibility for the development, coordination, dissemination, and implementation and monitoring of this policy. The Director (OD&W) is responsible for equality issues relating to both staff and students
- The Director of Human Resource Management (HRM) delegates responsibility for providing professional advice and guidance on equality and diversity staff issues to the HR Advisory team
- The Director (OD&W) delegates responsibility for monitoring the operation of policies relevant to diversity issues with regards to University staff, advising and developing policies and best practice in this area and managing equality and diversity related projects and initiatives to the Leadership and Organisational Development team and the Corporate Social Responsibility team
- Deans of Faculty or School/Corporate Services Directors have a specific duty to implement and monitor the policy in their area and bring it to the attention of staff and students. For example, this should include addressing any issues identified through monitoring patterns of student admission and progression, curriculum, methods of assessment, staff recruitment and promotion, and priorities for staff development and research funding to ensure that they reflect the University's inclusive approach to equality and diversity.

1.3.4 The University

- will seek actively to promote equality and diversity and strive to create an environment which is inclusive and supportive and free from any harassment and bullying
- must not discriminate unfairly in the way they provide or procure services on behalf of the University
- must not discriminate unfairly if involved in the recruitment, promotion and management of staff or the selection and supervision of students
- must neither practice unfair discrimination or harassment or bullying nor encourage staff or students to do so
- must not victimise any person who has complained of harassment or unfair discrimination, or who has given information in connection with such a complaint
- will include the effective implementation of this policy as a standard issue of address in the University's Validation and academic standards monitoring procedures

1.4   Confidentiality

Complaints about bullying, harassment or victimisation will be considered in accordance with the provisions of the appropriate procedure or regulations set out in section 2 below, and will be treated confidentially as required by those procedures and regulations.

Any breaches of confidentiality may lead to disciplinary action.

Appropriate confidentiality will be observed for both the complainant and the person who the allegations have been made against. In this context, confidentiality relates to details of the case and any investigations (including related investigations). Only those who need to know details of the case will have access to information, including the complainant and the person who the allegations have been made against. It should be noted that in the case of anonymous complaints, the extent to which procedure can progress may be limited. Observing confidentiality does not prevent those involved in the process from seeking the advice of HR, a trade union or UWSU representative or solicitor.

During any formal procedure, evidence or statements provided by the complainant, person who the allegations have been made against or witnesses may form part of the documentation which will be available to all parties involved. The information may also be used at a disciplinary hearing or employment tribunal and could therefore become public.

On rare occasions, information disclosure by the University is required by law or for the discharge of its duty of care. In terms of duty of care, should a line manager learn about something that could seriously affect the wellbeing of an individual or group of staff, they have a duty of care to advise their HR Manager or Adviser, even if the person from whom they learned this information does not want it to be shared.

1.5   Malicious or vexatious complaints

Complaints of bullying and harassment are treated seriously by the University. If there is evidence that a complaint has been made vexatiously or maliciously or the complaint is deemed not of genuine substance by the investigating officers, a recommendation will be made that no further action be taken.

In the event that the complaint is deemed vexatious or malicious, appropriate disciplinary action may be taken. Victimisation and retaliation as a result of action being taken under this policy is unacceptable, and may also lead to disciplinary action. Victimisation may also be unlawful.

1.6   Legal framework

The Health and Safety at Work Act 1974 requires employers to provide a safe and healthy working environment, including protection from bullying and harassment at work.

If the bullying is linked to gender reassignment, disability, age, sex, sexual orientation, race, religion or belief, nationality or is of a sexual nature then protection is provided under the Equality Act 2010.

If it is not covered by the Equality Act 2010, it may still be covered by the Protection from Harassment Act 1997.

1.7   Training and awareness

In order for this policy to be fair and effective, the whole University community should be aware of it.

For existing staff, this policy and notice of any updates or changes to it will be disseminated via Deans and Directors, and to current students via UWSU and through the development of a communications campaign to promote dignity at work and study. The policy will also be available via the University website.

New students will be made aware of this policy via the policy and procedures page for students at https://www.westminster.ac.uk/study/current-students/your-studies/forms-and-procedures.

New staff will be made aware this policy via the corporate induction and through the mandatory online course on Equality and Diversity Essentials.

Contractors will be made aware of this policy and any subsequent updates via existing regular monitoring meetings.

1.8   Links to other policies

Details of all the equality and diversity related policies, procedures and support are available on the website.

1.9   Further support

Further information / useful contacts

Support is available to both the individual affected and the person who the allegations have been made against.

For students:	For staff:
• Student counselling service • UWSU advice service • Student support • Personal tutors • Disability tutors • Inter-faith advisory team • Student societies	• HR • ODW • Employee assistance program • Occupational health • UCU & Unison • Staff networks • Line manager • Head of Department

1.10 Monitoring & review

The effective implementation of this Policy will be monitored by the Corporate Social Responsibility Group, which meets three times a year. This Policy will be formally reviewed every three years.

The University will monitor and review its policies relating to staff and students in respect of all policies and systems to ensure that they are non-discriminatory, either directly or indirectly, in accordance with the Diversity and Dignity at Work and Study policy.

Section 2:
Procedural framework that supports the Diversity and Dignity at Work and Study policy

The following procedures are used to deal with alleged breaches of the Diversity and Dignity at Work and Study policy promptly and fairly. Procedures are intended to deal with any breach (serious or repeated minor breaches) at the appropriate level with sensitivity and impartiality, both for the complainant and the person alleged to be in breach.

Complainant	Person against whom the complaint is being made	Appropriate procedure
Student	Student	Student Disciplinary Regulations
Student	Member of staff	Student Complaints Procedure
Member of staff	Student	Student Disciplinary Regulations
Member of staff	Member of staff	Grievance Policy and Procedure

2.1   Informal resolution

For complaints made against members of staff under either the Student Complaints Procedure or the Staff Grievance Policy and Procedure, those procedures provide for an informal resolution stage. Where possible, it is preferable to resolve issues informally, without recourse to the formal procedures. Initially, it is important to make clear to the person causing offence that such behaviour is unacceptable. If the member of staff or student feels unable to confront the person directly, or if talking to them has not led to a change in behaviour, there are support measures available and a confidential meeting can be sought with a number of contacts:

- Personal/Senior Tutor/Disability Tutor
- Line manager (or their manager if your concerns are about your line manager)
- The Dean of Faculty/School or Head of Unit
- A member of the HR Advisory team
- A relevant member of the University of Westminster Students' Union or staff unions.

Whoever is approached will discuss possible courses of action; all advice will be given in confidence and without pressure as to the course of action to be taken unless the matter is a criminal offence or the University has a duty of care to discharge. The decision about how to proceed will usually be a joint decision unless the matter is serious (see section on confidentiality).

If the allegation is against the University, steps may be taken to remedy the practice or procedure which is alleged to be in breach. It may be possible at this stage to resolve the matter informally to the satisfaction of all parties by discussing the issue with the person alleged to be in breach.

At any point during this stage of informal discussions, the person to whom the complaint is made may seek the confidential advice of the HR Advisory team or, where appropriate, the University's Counselling and Advice or Occupational Health Services.

Having discussed the matter with the person to whom the complaint has been made and considered the result of any follow-up action, it is up to the individual making the complaint to decide whether or not to pursue the matter on a formal basis. If they wish to pursue the matter formally, a formal complaint should be lodged as described in Stage 2 below.

The person alleged to be in breach may also request that the matter be dealt with formally, but such a request will only be granted if there are grounds to believe that the complaint has been brought maliciously, vexatiously or unreasonably.

Note that there is no provision for informal resolution in the Student Disciplinary Regulations, therefore any allegation brought about the behaviour of a student will proceed directly to a formal stage.

2.2 Formal complaint or grievance

If complaints and issues cannot be resolved informally (or if an informal approach is not appropriate or permitted) this policy signposts the University's formal procedures. Any complaints made about bullying and harassment will be investigated thoroughly and without delay, according to these approved procedures. A formal complaint or allegation should be made in accordance with the procedures or regulations identified above.

Please see Appendix 3 for a visual representation of the procedures above.

2.3 Monitoring

HR Managers will maintain formal records (specifically in HR files and via the computerised HR system) in accordance with the requirements of the Data Protection Act 1998 (DPA) of all formal complaints and grievances relating to bullying and harassment or breaches of the Diversity and Dignity at Work and Study Policy by staff. The University will undertake, disseminate and publish detailed annual equality and diversity monitoring reports relating to staff and students. Naturally, these reports will not identify any individual names or cases.

In cases where this policy has been breached and the Student Complaints Procedure has been invoked, within 14 working days of the resolution of a formal complaint, the Dean of Faculty/Head of Unit must forward a full record of the complaint, including the nature of the complaint, the outcome, action taken, and the names of the parties involved to the Director (ODW). This information is required for monitoring purposes and to ensure that our equality and diversity policies are being effectively implemented. The University Academic Registrar and HR Director or nominated senior HR staff will maintain these records in full accordance with the Data Protection Act 1998.

2.4 Possible outcomes

Recommended outcomes of procedures and regulations signposted above will be decided on a case-by-case basis and tailored to be appropriate given the findings, and possible outcomes are defined by those procedures and regulations. Outcomes may include, but are not limited to:

- the commencement of individual staff disciplinary procedures
- the imposition of penalties as described in the Student Disciplinary Regulations
- relocating the person who the allegations have been made against or complainant to a different location or group if appropriate
- informal interventions such as mediation or conciliation
- training or development as required
- no further action

2.5 Criminal offences

Some bullying or harassment constitutes unlawful discrimination such as if it relates to a person's age, disability, gender reassignment, gender, race, religion or belief, sexual orientation, pregnancy, marriage/civil partnership. Serious bullying and harassment may amount to other civil or criminal offences such as those under the Protection from Harassment Act (1997) and criminal offences of harassment, alarm and distress under the Public Order Act (1986).

In cases of alleged assault or behaviour that is considered a criminal offence, members of staff and students are strongly advised to report them to the Police.

2.6 When a complaint is made against you

If someone approaches you about your behaviour, or if a complaint is made about you either informally or formally, it may be useful to consider the following:

- consider whether your behaviour could have caused offence to others, even if you did not intend it to (differences in culture and attitude can affect this); if this is the case, you could reasonably be asked to stop behaving in this way
- consider if you should change your behaviour based on the feedback you've received
- if the individual has reacted in an unreasonable way to your behaviour, their complaint is unlikely to be upheld

- being accused of bullying or harassment does not automatically lead to an assumption of guilt
- in most cases, an informal resolution is sought initially, allowing both parties to resolve the issues and move forward; this is preferable to formal procedures where possible, as it is often quicker and can help preserve working relationships
- any development needs arising should become part of your development plan and PPDR discussions
- the University provides a number of courses and workshops that you may find useful

Appendix 1: Definitions

Bullying (including online bullying)

Repeated inappropriate behaviour, direct or indirect and by one or more persons, which undermines an individual's right to dignity or creates an environment that is intimidating, hostile, degrading, humiliating or offensive. It is generally psychological, rarely though sometimes physical.

Harassment (including sex-based harassment and harassment by association)

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual´s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Staff and students can complain about behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Staff and students are also protected from harassment because of perception (where others perceive they have a protected characteristic that they do not have) and association (where someone is harassed because of their association with someone with a protected characteristic).

Victimisation

Occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

Difference between bullying and robust management

It is important to make the distinction between bullying and robust management. Bullying by its nature is unfair and can undermine a person's best efforts to perform well; bullying behaviour can be used by peers and subordinates as well as managers. Robust management, on the other hand, may involve setting demanding – but fair and achievable – objectives and standards of behaviour appropriate to a person's job, grade, and level of responsibility. It is also important for line managers or those working with students to ensure that when it is necessary to address poor performance, give critical feedback, or take disciplinary action against a member of staff or student, it is done fairly and constructively, and in full accordance with the University's procedures and guidance. To reiterate, vigorous academic debate and legitimate and reasonable management of staff and student performance must be distinguished from bullying.

Examples of unacceptable behaviours

The following lists provide example behaviours, but are not exhaustive. It does not solely apply to face-to-face interactions; it includes electronic media such as email and social media and by phone/mobile.

Harassment:

- physical assault or the threat of violence
- unwanted physical contact, sexual advances or innuendo
- verbal abuse, including threats, derogatory name calling, insults, ridicule or belittling of an individual
- using humour to put another person or group of people down, for example, telling jokes that are sexist, racist or about an individual's sexual orientation or faith
- spreading malicious lies or making insulting comments (such as homophobic, biphobic or transphobic comments, or comments about someone's faith or ethnicity)
- display or circulation of abusive or offensive materials, for example by email or on the internet, or on a whiteboard
- sending offensive text messages
- making unnecessary and degrading references to someone's race, faith, sexual orientation or another protected characteristic
- ignoring or patronising an individual
- ostracism or exclusion from normal conversation in the work or study environment, or from work- or study-related social events
- intrusion by pestering, spying or stalking
- coercion, such as pressure to subscribe to a particular political or religious belief
- intrusive behaviour such as the invasion of personal space, pestering, spying or stalking
- persistent, unwelcome contact - including text messages, emails, phone calls, gifts
- deliberately undermining someone - by spreading malicious lies, making insulting comments or bringing a vindictive allegation of unacceptable behaviour
- outing an LGB individual without their express permission
- asking a person intrusive questions about their private life
- using religious beliefs to justify anti-gay bullying and harassment

Bullying:

- psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague or peer
- preventing an individual progressing by intentionally blocking promotion or training opportunities, unjustifiably restricting choice of study options or access to tuition
- unfair allocation of work and responsibilities or setting unreasonable objectives in work or study
- asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private
- preventing access to resources
- abuse of power or behaviour that causes fear or distress for others
- acting unreasonably by failing and refusing to listen, reflect and take appropriate account of the position or needs of other people

Appendix 2: Valued behaviours

The University's mission, culture and values are underpinned by a set of valued behaviours. The table below shows how these relate to Diversity and Dignity at work and study.

embraces diversity and promotes equality	(from the staff Competency Framework)	(from the Student Charter)	treat fellow students, staff and visitors with courtesy, respect and dignity and foster a supportive and inclusive environment
	Courageous: encouraging new ideas and innovation		
	• Approaches change in a positive, enthusiastic way, trying and suggesting alternative approaches • Finds new ideas/approaches and assesses their practical application and how they can be integrated into existing structures/processes/course programmes. • Makes positive use of the opportunities presented by change and remains effective while adapting to changing circumstances.		
	Connected: engaging with and inspiring people		
	• Relates to people in an open and inclusive manner by listening courteously, asking questions and using clear, accessible, appropriate communication and accepts and offers constructive feedback that is fair, honest and considerate. • Meets student / customer needs in a polite, friendly and professional manner, responding positively, promptly and helpfully and invites feedback to improve practice or service. • Works with others within own Faculty/ Department to achieve shared goals and works flexibly and proactively, seeking links/partnerships across the University, academic bodies and external organisations.	• be responsible and respectful in your interactions at all times including through social media and other online channels • respond promptly to communications addressed to you • give your views on your educational and university experience honestly and constructively through surveys and other feedback opportunities	
	Generous: developing self and others		
	• Keeps up-to-date in their area of expertise, seeking opportunities for professional training and development. • Maintains an active personal development plan, with development goals aligned to University objectives. • Shows commitment to personal development and that of their team, colleagues, students and Department/Faculty.	• take responsibility for your own learning and make good use of the opportunities provided • make use of feedback, guidance and advice, and seek help from appropriate staff or services whenever necessary • tell us about any individual needs you have relating to disabilities	
	Excellent: unlocking potential		
	• Sets SMART objectives for own work, plans activities and regularly assesses performance to complete tasks on or ahead of time. • Organises and prioritises own workload effectively and manages competing demands. • Ensures quality and achieves high standards.	• attend and participate in all learning activities whether they are face to face or online, individual or collaborative • complete all assessments and submit all work on time • pay fees or charges when they are due	
	Sustainable: committing to sustainable practice		
	• Ensures that working practices support the wellbeing of staff, students, the environment and the wider community. • Complies with University regulations, policies and guidelines and suggests ways to improve efficiency or generate income. • Behaves in an ethical and socially responsible manner and shows respect for the environment through consideration of environmental impact.	• be an active member of our shared educational community and join us at the orientation activities we organise for you • help us to build strong student communities that take care of each other • use the facilities and resources with respect and consideration for others • pursue your academic studies with honesty, integrity and professionalism, in line with our codes and regulations • support our commitment to the principles and practice of sustainability and social responsibility • read and familiarise yourself with the information made available to you	

Appendix 3: Procedure flow chart

**Possible breach of the
Diversity and Dignity at Work and Study policy**

(staff or student)

INFORMAL RESOLUTION

Raise the issue with the individual concerned if possible and appropriate to do so

Has the complaint been resolved? — YES → No further action

NO

Discuss the issue with an appropriate person of your choice, such as:

- Personal Tutor/Faculty Senior Tutor/Disability Tutor/Course Leader,
- Dean of Faculty, Head of Unit
- The relevant HR Manager
- A relevant member of the Students' Union or staff unions
- Counselling and Advice or Occupational Health Service

Has the complaint been resolved? — YES → No further action

NO

FORMAL COMPLAINT OR GRIEVANCE

A formal complaint should be lodged:

1. for students or staff complaining about students refer to the **Student Disciplinary Regulations**
2. for students complaining about staff refer to the **Student Complaints Procedure**
3. for staff complaining about staff refer to the formal stage of the staff **Grievance Policy and Procedure**

Has the complaint been resolved? — YES → No further action

NO

Appeal as per the formal complaint procedures listed above

Has the complaint been resolved? — YES → No further action

NO

University's internal complaints procedures exhausted