

# **University of Westminster Diversity and Dignity at Work and Study Policy**

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Supersedes all previous versions:

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Students and Academic Services

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# **Section 1:**

## **The Diversity and Dignity at Work and Study Policy**

### **1.1 Introduction**

The University's purpose is to provide grounded, holistic education with wide horizons and opportunities, so that people from every background can realise their true potential, contributing to a richer, happier society.

Our values: Progressive, Compassionate and Responsible support this purpose. Living these values will create a positive and safe place to work and a culture that allows colleagues to be themselves, be comfortable bringing their whole and best selves to work and to feel proud of working for the University.

### **1.2 Statement of Intent**

The University of Westminster is committed to supporting diversity and equal opportunities in our dealings with job applicants, students, colleagues 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 colleagues 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.

### **1.3 Purpose and Scope**

#### **1.3.1 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, unlawful discrimination and victimisation and to provide a framework for students and colleagues to understand the routes by which concerns and complaints about such matters may be raised and resolution sought.

#### **1.3.2 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 University colleagues (including visiting colleagues) and colleagues 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)
- Colleagues working within or for the University of Westminster Students' Union (UWSU)
- Colleagues 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.

### **1.4 Responsibilities**

The responsibilities with respect to this policy are laid out below.

### **1.4.1 Individuals**

It is the duty of all members of the University community (including those listed in section 1.3.2) to comply with both the letter and spirit of the Diversity and Dignity at Work and Study Policy.

Members of the University 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, colleagues and visitors with courtesy, respect and dignity and foster a supportive and inclusive environment
- embrace diversity and inclusion 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

### **1.4.2 University Leaders and Managers**

Leaders and Managers 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, bullying and/or victimisation do not occur in work or study areas for which they are responsible
- respond sensitively or supportively to any colleague or student who alleges harassment or bullying and/or victimisation provide clear signposting of the correct procedures to follow
- monitor that no problems of harassment, bullying and/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 colleagues and students know how to raise issues of concern 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

### **1.4.3 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 and/or victimisation
- must not discriminate unfairly in the way it provides or procures services on behalf of the University
- must not discriminate unfairly in the recruitment, promotion and management of colleagues or the selection and supervision of students
- must neither practice unfair discrimination, harassment, bullying or victimisation nor encourage colleagues 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

## **1.5 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 reporting and responding parties. 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 reporting and responding parties. 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 representative or UWSU representative or solicitor.

During any formal procedure, evidence or statements provided by the reporting and responding parties 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 colleagues, they have a duty of care to seek advice from their HR Partner or HR Adviser, even if the person from whom they learned this information does not want it to be shared.

## **1.6 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 may 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.

## **1.7 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 alleged behaviour 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.

## **1.8 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 Heads of Colleges and PS 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/about-us/our-university/equality-diversity-and-inclusion/equality-diversity-and-inclusion-policies-and-procedures>

New staff will be made aware this policy via the University induction and through the mandatory online course on Equality and Diversity Essentials and <https://www.westminster.ac.uk/about-us/our-university/equality-diversity-and-inclusion/equality-diversity-and-inclusion-policies-and-procedures>

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

## 1.9 Links to other policies

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

## 1.10 Further support

Further information / useful contacts

Support is available to both the reporting and responding parties:

For students:	For Colleagues:
<ul style="list-style-type: none"><li>• Student and Academic Services</li><li>• UWSU advice service</li><li>•</li><li>• Personal tutors</li><li>• Disability tutors</li><li>• Inter-faith advisory team</li><li>• Student societies</li></ul>	<ul style="list-style-type: none"><li>• Line manager</li><li>• Head of School or PS Director</li><li>• HR</li><li>• Employee Assistance Programme</li><li>• Individual Counselling provision</li><li>• Mediation provision</li><li>• UCU &amp; Unison</li><li>• Colleague networks</li><li>•</li></ul>

## 1.11 Monitoring & review

The University will monitor and review its policies relating to colleagues 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 (whether serious or repeated minor breaches) at the appropriate level with sensitivity and impartiality, both for the reporting and responding parties.

Reporting Party	Responding Party	Appropriate procedure
Student	Student	Student Disciplinary Regulations
Student	Colleague	Student Complaints Procedure
Colleague	Student	Student Disciplinary Regulations
Colleague	Colleague	Grievance Policy and Procedure

### 2.1 Informal resolution

For complaints made against colleagues under either the Student Complaints Procedure or the 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 colleague or student feels unable to approach 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
- Student and Academic Services Advisor via the Report and Support portal
- Line manager (or their manager if the concerns are about the immediate line manager)
- Head of College or Head of School or Professional Services Director
- A member of the HR Advisory team
- A relevant member of the University of Westminster Students' Union or colleague Trades 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 Student and Academic Services Department.

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 responding party 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 2 for a visual representation of the procedures above.

## 2.3 Monitoring

HR will maintain formal records in accordance with the requirements of the Data Protection Act 2018 (DPA) of all formal grievances relating to bullying and harassment or breaches of the Diversity and Dignity at Work and Study Policy by colleagues. The University will undertake, disseminate and publish detailed annual equality and diversity monitoring reports relating to colleagues and students. Naturally, these reports will not identify any individual names or cases.

A report of casework considered under the Student Complaints Procedure is presented annually to Academic Council for monitoring purposes.

## 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 colleague disciplinary procedures
- the imposition of penalties as described in the Student Disciplinary Regulations
- relocating the responding party or the reporting party 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, colleagues 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
- in respect of colleagues, any development needs arising should become part of your development plan and PDR 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. Colleagues and students can complain about behaviour that they find offensive even if it is not directed at them, and the reporting party need not possess the relevant characteristic themselves. Colleagues 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**

Under the *Equality Act 2010*, Victimisation means treating someone badly (subjecting them to a "detriment") because they have done a protected act – for example, making a complaint of harassment. Victimisation also means subjecting someone to a detriment because it is believed they have done or are going to do a protected act; they need not actually to have done the protected 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 colleague'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 colleague or student, it is done fairly and constructively, and in full accordance with the University's values, procedures and guidance. To reiterate, vigorous academic debate and legitimate and reasonable management of colleagues 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, whether online or offline, 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 LGBTQI+ individual without their express permission
- asking a person intrusive questions about their private life
- using religious beliefs to justify anti-LGBTQI+ 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: Procedure flow chart

