

DIGNITY AT WORK & STUDY POLICY & PROCEDURES

General principles

For students on the MBChB undergraduate medical programme the GMC standards 'Medical students, professionalism and Fitness to Practice' and the MBChB Anti-bullying policy and MBChB Whistleblowing policy will be followed. A student may be referred to Fitness to Practise proceedings.

1. The University is committed to maintaining a working, learning and social environment in which the rights and dignity of all members of the University community are respected. This includes staff, students and visitors to the University.
2. The University expects all members to treat each other with respect, courtesy and consideration. All members have the right to expect professional behaviour from others and a corresponding responsibility to behave professionally towards others.
3. Harassment is a serious offence which is subject to the University's disciplinary procedures. Where necessary, complaints of harassment, bullying or other inappropriate behaviour will be investigated in accordance with the appropriate procedures.
4. All members of the University have a personal responsibility for complying with this policy and those in positions of authority have particular responsibilities. These include setting a good personal example, having regard to the principles of the policy, and familiarising themselves with the procedures.
5. This policy and the accompanying procedure may be found on the website at <https://intranet.buckingham.ac.uk/hr/Staff%20Documents/Dignity%20at%20Work%20Policy%202013.pdf> and will be subject to regular review by the University Council in consultation with other appropriate committees, including the Executive Committee.

Definitions

Harassment

6. A person subjects another to harassment where s/he engages in unwanted and unwarranted conduct which has the purpose or effect of:
violating another's that other's dignity, or
creating an intimidating, hostile, degrading, humiliating or offensive environment for that other.
7. Harassment is defined as the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. But an isolated incident or threat could also amount to harassment if it causes distress.
8. Harassment on grounds of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation or age may amount to unlawful discrimination.
Harassment may also breach other legislation and may in some circumstances be a criminal offence, e.g. under section 4 of the provisions of the Protection from Harassment Act 1997.
The Equality Act 2010 prohibits harassment related to the following protected characteristics: age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.
The Protection from Harassment Act 1997 (Section 1) makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

The Health and Safety at Work Act 1974 entitles staff to a safe place and system of work and makes specific references to harassment and bullying in this context.

9. Reasonable and proper management instructions given reasonably, or reasonable and proper review of a member of staff's or a student's work and/or performance, will not constitute harassment or bullying.

10. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

Bullying

11. Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Behaviour

12. Examples of behaviour which may amount to harassment and bullying include (but are not limited to) the following behaviours (particularly on the grounds of the protected characteristics of age, race, sex, disability, marital or civil partnership status, sexual orientation, and religion or belief):

- spreading malicious rumours, or insulting someone by word or
- ridiculing or demeaning someone
- exclusion or victimisation
- overbearing supervision or other misuse of power or position
- unwelcome sexual or romantic advances
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and
- constant criticism
- deliberate disturbance of another person's sleep
- claiming credit for someone else's work
- promoting the social exclusion of someone
- stalking someone through persistent, intrusive and unwanted attention that makes the recipient feel scared, anxious and/or causes fear of violence

Many of these examples of behaviour may occur through the use of the internet, email, social networking sites, letters / memos or telephone.

13. All of the examples above may amount to bullying, particularly when the conduct is coupled with the inappropriate exercise of power or authority over another person.

14. Being under the influence of alcohol, illegal drugs or otherwise intoxicated is not an excuse for harassment, and may be regarded as an aggravating feature.

Intention or motives

15. The intention or motives of the person whose behaviour is the subject of a complaint are not conclusive in deciding if behaviour amounts to harassment or bullying.

Victimisation

16. Victimisation occurs where a person is subjected to detrimental treatment because s/he has, in good faith, made an allegation of harassment, or has indicated an intention to make such an allegation, or has assisted or supported another person in bringing forward such an allegation, or participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation.

17. The University seeks to protect any member of its community from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Victimisation is a form of misconduct which may itself result in a disciplinary process.

Confidentiality

18. All information concerning allegations of harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process.

Procedure When a Member of Staff Complains of Bullying or Harassment

19. Wherever possible, the aim is to resolve complaints of harassment promptly and effectively so that good working relationships and normal social interaction can be resumed as quickly as possible.

20. For the purposes of this procedure, 'harassment' is taken to include bullying and victimisation.

21. The references in this procedure to the 'senior manager' should be taken to mean the individual responsible for the management of staff in that area of the organisation (for example, Dean, Senior Manager (normally Administrative 3 grade or above). If a complaint is made against a very senior employee, the 'senior manager' should be the Vice-Chancellor; if a complaint is made against the Vice-Chancellor, the 'senior manager' should be the Chairman of Council or a member of Council nominated by the Chairman.

22. All information concerning allegations of harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action in accordance with the policy on harassment and bullying.

Sources of advice

23. Any student or member of staff who believes that s/he may be being harassed, or who has been told that his or her behaviour is harassing, and who wishes to discuss such concerns in confidence, can do this with the nominated and trained Harassment Advisers. All members of staff also have access to the Employee Assistance Programme (EAP) provided free of charge by the University (www.ppconline.info or 0800 282193). The Human Resources department is able to provide advice on any aspects of this policy.

Harassment Advisers (HAs)

24. These are members of University staff, both academic and non-academic, who are trained to give preliminary procedural advice to those who feel that they may be the subject of bullying or harassment. S/he will listen to the individual's concerns in accordance with the University Confidentiality Policy, and discuss what steps can be taken towards a solution. The Harassment Adviser cannot give legal advice.

Initial action

25. An individual who feels that s/he is being harassed in the course of his/her university activities (such as work or university leisure activities) may feel able to approach the person in question to explain what conduct s/he finds upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. Such an informal approach may be all that is required to resolve the issue. The University does not wish to be prescriptive as to the form of any such action that the complainant or the person who is the subject of the complaint may wish to make.

26. If the complainant is unable or reluctant to approach the person complained against, s/he may approach an Harassment Advisor to discuss the problem.

27. The next step for a staff member, where appropriate, will be to ask his/her senior manager to ask for help in achieving a resolution of the problem. Human Resources will also be available to advise where required.

Mediation

28. 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.

29. An experienced mediator acceptable to both parties will normally be nominated by the senior manager on the advice of the Human Resources department. Where possible the mediator will be an experienced person drawn from within the University. The mediator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). To ensure transparency and certainty for both parties, any agreed outcome will normally be recorded in writing.

30. All those involved in the mediation process must maintain appropriate confidentiality. If for any reason the process does not prove fruitful, or is taking an unacceptably long time to achieve resolution, either party may withdraw from the process.

Complaints procedure

31. If informal action or mediation does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make a written complaint to his or her senior manager or, if the complainant feels it is not appropriate to approach that person, the Deputy Vice-Chancellor, a Pro Vice-Chancellor, or the Human Resources Manager (staff) and Student Conduct Manager's Office (students). If any of the parties considers that a person asked to deal with the matter has a conflict of interest in the complaint, the complaint may be referred to the Deputy Vice-Chancellor, a Pro Vice-Chancellor, or the Human Resources Manager (staff) and Student Conduct Manager's Office (students). In cases where it is not immediately clear to whom a complaint should be addressed, advice may be sought from the Human Resources department.

Submission of the complaint

32. The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that s/he is concerned about; (ii) the effect of this behaviour on him/her; and (iii) the resolution s/he is seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties.

33. A copy of all written complaints should be sent to the HR Department for information.

34. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint within a period of not more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the University in achieving that result.

35. Both parties to the complaint have the right to be accompanied and supported by a trade union representative or by a colleague of his or her choice from within the University at any meeting held under this procedure. If the complaint involves a student s/he may be accompanied, for example, by a Personal Tutor, representative from Student Welfare or equivalent. These people must maintain appropriate confidentiality.

36. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the senior manager considers that the implications for the aggrieved person or others actually or potentially affected are serious. In this case, the advice of the Human Resources department should be sought, and this may result in an investigation and/or decision on further action on the basis of such evidence as is available. Under these circumstances a complaint will be issued

by the senior manager him/herself, explaining the grounds under which s/he believes an investigation is required, which will then be carried out by the Deputy Vice-Chancellor, a Pro Vice-Chancellor, or the Human Resources Manager (staff) and Student Conduct Manager's Office (students).

Action to be taken on receipt of a complaint

37. On receipt of a complaint, the recipient or his / her nominee, will in consultation with the Human Resources department take such steps as s/he thinks necessary or appropriate to understand the nature of the complaint and the outcome sought including:

informing the person against whom a complaint has been made of the allegations against him or her;

meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);

speaking to other relevant people on a confidential basis; and /or

obtaining further relevant information.

The recipient will then decide how to proceed and will inform the parties in writing. S/he may make such enquiries as are necessary to determine the complaint, or may commission an investigation.

Investigation

38. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. (See section 48 below for the procedure for investigation.)

39. As a general rule, the investigator should not have had previous involvement with the issues in the case. The investigator will not be a subordinate or close colleague of either the complainant or of the person against whom the complaint is being made. If a complaint is made against a very senior employee, the investigation should be carried out by a nominee of the Vice-Chancellor (for example, Human Resources Manager (staff) and Student Conduct Manager's Office (students) and Secretary to Council). If a complaint is made against the Vice-Chancellor, the investigation should be carried out by a member of Council nominated by the Chairman. If for whatever reason it is decided to ask an external agency to conduct an investigation, the brief and the terms of reference of the investigation will be disclosed to all parties. The investigation should be concluded as soon as is reasonably practicable. The investigator will prepare a report and may, if specifically requested to do so by the senior manager, make recommendations on possible courses of action.

40. The senior manager will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions she or he has reached having reviewed the evidence, including any investigation report; (ii) of the action the senior manager intends to take; and (iii) of the reasons for any such action.

41. The senior manager will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Possible outcomes of a complaint

42. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the senior manager, in consultation with Human Resources department, will either:-

i. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable working relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.

ii. Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training or implementing practical arrangements to improve working 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 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 structural issues within a department that require management attention. or

iii. Institute disciplinary proceedings where the manager is reasonably satisfied that there is sufficient evidence to support allegations of harassment of a sufficiently serious nature as to merit disciplinary action.

iv. In rare cases disciplinary action may be instituted against the complainant if the senior manager is satisfied that the complaint of harassment is unfounded and not made in good faith.

Appeal against the Senior Manager's Decision

43. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), s/he may invoke the relevant Grievance Procedure with the relevant time scales specified in that procedure save that where the decision is to refer the matter for disciplinary action, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

Records

44. The University and all those involved in this process must comply with the principles of the Data Protection Act 1998 and subsequent amendments. These include ensuring that personal data is kept accurate and up-to-date, held securely, not disclosed to unauthorised third parties, and not kept for longer than necessary for the purpose it was collected.

45. Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably practicable in order to check for any inaccuracies or omissions.

46. The Human Resources department should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

Malicious or vexatious complaints

47. If a complaint is judged to be vexatious or malicious, disciplinary action may be taken against the complainant; however, such action will not be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

Procedure for Investigations

48. The procedure for an investigation will normally be as follows but may be adapted by the investigator to meet the case:-

- a. The investigator will meet the complainant to confirm the details of the complaint.
- b. The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the senior manager has.
- c. The investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
- d. The investigator will meet the person complained against to hear his/her response to the complaint and any further evidence that has come to light.
- e. The investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
- f. Having considered all the evidence, including any relevant documents, the investigator will prepare a written report of his/her findings, in relation to which she or she may check relevant sections in draft with the parties before finalising.
- g. The report will be forwarded to the senior manager and usually with a copy to the Director of HR.

Procedure When a Student Complains of Bullying or Harassment

49. Wherever possible, the aim is to resolve complaints of harassment promptly and effectively so that good working relationships and normal social interaction can be resumed as quickly as possible.

50. For the purposes of this procedure, 'harassment' is taken to include bullying and victimisation.

51. All information concerning allegations of harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action in accordance with the policy on harassment and bullying.

Sources of advice

52. Any student who believes that s/he may be being harassed, or who has been told that his or her behaviour is harassing, and who wishes to discuss such concerns in confidence, can do this with the nominated and trained Harassment Advisers. S/he may also (or as well as) discuss the problem with a Personal Tutor, the Student Conduct Manager, Students First or MBChB Student Support Team.

Harassment Advisers (HAs)

53. These are members of university staff, both academic and non-academic, who are trained to give preliminary procedural advice to those who feel that they may be the subject of bullying or harassment. S/he will listen to the individual's concerns in accordance with the University Confidentiality Policy, and discuss what steps can be taken towards a solution. The Harassment Adviser cannot give legal advice.

Initial Action

54. A student who feels that s/he is being harassed in the course of his/her university activities (such as study, or university leisure activities) may feel able to approach the person in question to explain what conduct s/he finds upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. Such an informal approach may be all that is required to resolve the issue. The University does not wish to be prescriptive as to the form of any such action that the complainant or the person who is the subject of the complaint may wish to make.

55. If the complainant is unable or reluctant to approach the person complained against, or if this does not resolve the problem, s/he may approach a Harassment Advisor to discuss the problem.

Role of the Student Conduct Manager

56. The next step for a student, where appropriate, will be to ask for help from the Student Conduct Manager. If the complainant would like the Student Conduct Manager to take action, **s/he will need to give her/his permission for the Student Conduct Manager to name her/him as the person who is making the complaint.** If the allegations relate to harassment or bullying by a member of staff, the Student Conduct Manager must refer the matter to the HR Department for investigation to ensure action is taken and the appropriate employment policies are followed. The Human Resources Manager (staff) and Student Conduct Manager's Office (students) to be informed of the allegation to ensure that appropriate procedures are followed from the student's perspective and in accordance with the University's Student Complaints Procedures.

57. Full details of the conduct in question must be supplied, including the name of the alleged harasser or bully, the nature of the alleged harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

Investigations by the Student Conduct Manager

58. In cases of alleged harassment or bullying by another student or students, the Student Conduct Manager will first contact both/all parties (the student making the allegation and the person(s) named as the harasser or bully) to require that they do not contact each other while the matter is being investigated. The individual(s) named as the alleged harasser or bully will be required to respond directly to the Student Conduct Manager. **Failure to comply with this requirement, by either party, may be regarded as a disciplinary offence.**

59. The Student Conduct Manager will arrange a meeting with the student making the allegations of bullying or harassment. S/he has the right to be accompanied at this meeting by a friend or a member of the Student Welfare team, acting as an observer. The person accompanying the student making the allegation must respect the confidentiality of the investigation. Further meetings will be arranged as appropriate throughout the investigation.

The Student Conduct Manager will meet with the alleged student harasser or bully to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

It may be necessary to interview witnesses to any of the incidents mentioned in the allegation of bullying or harassment. If so, the importance of confidentiality will be emphasised to them.

Interim action

60. Where the allegation of harassment or bullying relates to an individual who is living in the same accommodation block and/or taking the same course as the student making the allegation, the University will consider what action may be appropriate to protect the student making the allegation and anyone else involved pending the outcome of the investigation, bearing in mind the reasonable needs of the University and the rights of that person.

During the investigation, the University will also consider seriously any request made for changes to the living accommodation or studying arrangements of the student making the allegation. For example, it may be necessary for that student to be asked to move accommodation or to change tutorial group, in order to minimise contact with the alleged harasser or bully.

Disciplinary Action/Mediation

61. At the end of the investigation, if the Student Conduct Manager finds that there has been harassment, the Student Conduct Manager will either take such disciplinary action as is appropriate (in accordance with University General Regulation 7.1), or, subject to the consent of both parties, arrange to resolve the matter through mediation. Whether or not the allegation of bullying or harassment is upheld, the University will consider how best to manage the ongoing relationship between the student making the allegation and the alleged bully or harasser. It may be appropriate to arrange some form of mediation and/or counselling, or to change the accommodation or tutorial groups of one or both parties. In certain circumstances, it may be necessary to involve the police.

Confidentiality

62. Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required.

63. The University Bullying and Harassment Procedure operates in tandem with the civil and criminal law and in no way precludes notification to the police by the victim at any time.

Malicious or vexatious complaints

64. All students should be aware that any allegations of bullying or harassment that are made **vexatiously** or **maliciously** may result in disciplinary action being taken against the **person making the allegation** (A complaint is malicious if the person making it either knows, or could be reasonably expected to know, that the complaint is false.)

Appeals

65. Appeals against decisions taken by the Student Conduct Manager will be dealt with in accordance with University Regulation 10 (*General Regulations for Students of the University*).