

Dignity at Study Policy and Procedure

1. About this policy

1.1. The purpose of this policy is to assist in developing and encouraging a learning environment in which harassment is known to be unacceptable and where students have the confidence to deal with harassment without fear of ridicule or reprisals.

1.2 This procedure applies to St George's, University of London students. No form of bullying, harassment or victimisation specifically that relates to a person's protected and/or other characteristics is tolerated within our community, either between or towards; employees, students, contractors, consultants or visitors to the University.

1.3. This policy covers bullying and harassment in the university, in placements and other university contexts. It also includes online bullying and harassment. There is a separate policy and procedure available for St George's Student Union.

2. Our commitment

2.1. St George's is committed to providing a high quality academic environment. St George's values and celebrates its diversity and strives to create a positive environment that is free from harassment and bullying, where all people are treated with dignity and respect.

2.2. We want to enable all students to fulfil their personal potential and will not tolerate bullying and harassment of any kind. Students are encouraged to report all instances of bullying and harassment. The University can provide support and will investigate according to our procedures. Disciplinary action will be taken where appropriate. If a member of staff is alleged to be bullying or harassing a student this will be managed by the sister Dignity at Work Policy.

2.3. Harassment or bullying can have very serious consequences for individuals and the University and undermines St George's, University of London's CORE values:

- **Commitment**
Working effectively and with dedication to perform to the highest standards. Being responsible and accountable for our choices and decisions.
- **Openness**
Listening, treating each other fairly and honestly. Learning from experience and reflecting on our choices and decisions.
- **Respect**
Shaping an inclusive environment in which diversity is valued. Communicating openly and transparently.
- **Engagement**
Participating in life at St George's and, through education and research, empowering our people to contribute to, influence and improve society and communities. Influencing effectively across the sectors in which we operate.

3. Rights and Responsibilities

3.1. St George's, University of London has a duty of care to its students and is legally responsible for ensuring that the behaviour and conduct of employees in the course of their work is acceptable. Failure to recognise or investigate incidents of unacceptable behaviour does not excuse St George's, University of London from liability and could have serious legal consequences under Health and Safety, employment, and anti-discrimination legislation.

3.2. Students are personally responsible for their behaviour towards others and are expected to demonstrate active commitment to this policy and its aims. Students who commit serious acts of bullying and harassment may be guilty of a criminal offence.

3.3. Everyone has a responsibility to acknowledge that the views and opinions held by others may not coincide with their own. Equally, students may not always agree with decisions made by academic or professional university staff or opinions expressed by other students. Actions or views which are not agreed with by others do not in themselves constitute bullying or harassment.

5. Confidentiality

5.1. St George's, University of London's aim is to deal with bullying and harassment complaints sensibly and with due respect for the confidentiality of those individuals involved. All students must treat as confidential any information communicated to them in connection with a bullying and harassment complaint and should refrain from discussing their complaint with the wider student body.

5.2. There may be a need to disclose confidential information in circumstances where a matter is considered to involve a criminal action or breach of the University's duty of care and in such cases the information will be divulged only to those who need to know.

6. Making a complaint

6.1. St George's, University of London encourages the resolution of all complaints on an informal basis wherever possible.

6.4. If it is not possible to resolve concerns informally, a formal complaint may be lodged through the Students Concerns and Complaints Procedure which can be found on the website.

6.5 Students wishing to raise a complaint of bullying and harassment, either informally or informally can find advice [here](#). This information outlines the process through which complaints are handled as well as the support available and what individuals can expect from this process.

7. Test of reasonableness

7.1. The university will apply a 'test of reasonableness' in responding to reports of harassment consistent with the Protection from Harassment Act 1997. This Act states that it is not necessary to prove an intention to harass, rather a court would have to be satisfied that the harasser had pursued a course of conduct which amounted to harassment of another and which the harasser "knows or ought to know amounts to harassment of the other."

7.2. St George's, University of London has an equal duty of care to both the individual alleging harassment and the alleged harasser and an allegation cannot be presumed proven until properly investigated and tested against this principle of reasonableness. There may be occasions where there are no witnesses to an incident of alleged harassment and it is one individual's word against another. Where this is the case the balance of probability can be taken into account. In other words, an investigator will take into account what they consider to have been the most likely course of events. This is not the same as for a criminal conviction where an allegation must be proven beyond all reasonable doubt.

8. Vexatious complaints

8.1. Very occasionally it may be established, during an investigation, that an individual has knowingly raised a mischievous or malicious accusation against another person. In these circumstances the individual may be the subject of disciplinary action. The deliberate false defamation of another person's character is equally unacceptable to the university.

9. Criminal offences

9.1. St George's, University of London encourages students to exercise their legal rights so as to protect themselves in cases where a criminal offence may have been committed. If a criminal offence such as harassing phone calls, physical assault, indecent exposure, hate crime or rape takes place, nothing in any of St George's, University of London's policies or procedures is intended to prevent or dissuade an individual from contacting the police and they would be supported in doing this.

9.2 St George's, University of London will provide assistance to individuals who disclose an incident regardless of whether they decide to report it including signposting the individual to relevant support groups and outlining reporting mechanisms.

10. Victimisation

10.1. Victimisation occurs when a person is put at a disadvantage or suffers reprisal for making, in good faith, a complaint of bullying or harassment, or for supporting someone else who has made a complaint. Individuals are protected against victimisation under the Equality Act 2010 and incidents of victimisation could result in disciplinary action, regardless of the outcome of the original complaint.

11. Monitoring

11.1. All formal complaints of bullying and harassment will be reported to the Principal. This is because the Principal is ultimately responsible for the duty of care to our students as well as any liability for the university or potential reputational risks.

11.2. Registry will record demographic data such as race, gender, age, sexual orientation, gender identity, religion & belief/non-belief and disability of all individuals raising a claim of bullying and/or harassment irrespective of whether the disciplinary process was subsequently invoked as a result of the claim. This information will be kept confidentially by Registry and will be used for no other purpose than to enable the university to fulfil its obligations for monitoring and analysis to ensure that no one is afforded unfair treatment because of their protected characteristic.

11.3. This data as well as the number and type of cases (anonymised), level of action and outcomes will be reported to key Committees:

- Council.
- Executive Board.
- Diversity and Inclusion Steering Group.

11.4. Positive action will be taken in areas of the University which have high levels of complaints about bullying or harassment. This will be discussed with a view to ensuring there is an improved inclusive environment. Individual cases will not be highlighted within this process.

12. Training and awareness

12.1. St George's offers training and support to staff in complying with this policy. Further information is available on the [website](#).

Appendix 1 – Examples of bullying and harassment

Bullying and harassment can occur based on the following protected characteristics (Equality Act 2010) but are not limited to:

- Sex
- Race, ethnic origin, nationality or skin colour
- Disability
- Sexual orientation
- Age
- Religion or belief/non-belief
- Gender Reassignment
- Pregnancy and maternity
- Marriage and civil partnerships

Harassment

Harassment as outlined in the Equality Act is “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”.

Some examples of harassment are given below. These examples are not intended to be exhaustive but to illustrate the types of behaviours which are unacceptable. Please note, this also includes behaviour that takes place online.

On the grounds of sex

- remarks or innuendoes which ridicule, embarrassing or insulting jokes of a derogatory nature, leering or whistling,
- unwanted physical contact ranging from unnecessary touching, pinching and brushing against another's body to sexual assault and rape
- unwelcome sexual advances, propositions or pressure for sexual activity; suggestive remarks, innuendoes, lewd comments or unwanted comments about appearance
- the display of pornographic or sexually suggestive pictures, offensive e-mails/text messages/ videos.

Harassment of a sexual nature is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010 as is harassment related to relevant protected characteristics.

On the grounds of race

- racially derogatory remarks or jokes, banter, ridicule or taunts
- graffiti or slogans or the display of pictures, posters or web-sites with racial overtones, even if not directed at a particular person
- using a disparaging or offensive tone when communicating with people from certain racial groups

On the grounds of disability

- jokes about disability, disabled people or people with HIV/AIDS
- mimicking the effect of a disability or speech impairment
- use of offensive inappropriate terms
- excluding individuals with disabilities from professional and social events by act of commission or omission

On the grounds of sexual orientation

- homophobic or biphobic remarks or jokes
- threats to disclose sexual orientation
- asking intimate questions about sexual activity
- outing someone as lesbian, gay or bisexual without their permission

On the ground of trans status

- refusing to associate with or ignoring someone because they are trans
- refusing to address the person using their new name and/or preferred gender pronoun
- failure to keep confidential information about that person's trans status
- refusal to allow use of sanitary facilities appropriate to the gender in which the person is living

On the grounds of age

- use of ageist stereotypes
- making assumptions about abilities or fitness on grounds of age
- basing selection for training or development on the grounds of age (e.g. excluding those approaching retirement)
- correlating career progression with age (e.g. the assumption that someone should have reached a certain career point by age 40)

On the grounds of religion or belief

- offensive remarks or jokes about religion or belief
- refusal to work with a person because of their religion or belief (or lack of religion or belief).
- attempts to persuade an individual to change their religious or political beliefs or their way of living to your own
- praying over an individual without their consent.

On the grounds of pregnancy or maternity

- criticising an individual because they need to take a break to express breast milk.

On the grounds of marriage or civil partnership status

- treating an individual differently because they have a same sex or opposite sex partner.

On the grounds of association with someone with a protected characteristic

- making assumptions about an individual's commitment to their work because they care for a disabled person

Bullying

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, denigrates or injures the recipient (emotionally or physically) - but it doesn't have a legal definition in the Equality Act. The above definition is supplied by ACAS.

Examples of actions or behaviours which may constitute bullying are set out below. These examples are not intended to be exhaustive but to illustrate the types of behaviours which the institution finds unacceptable. Please note, this also includes behaviour that occurs online.

- sending e-mails or hard copy documents that are critical of someone to others who do not need to know
- repeatedly shouting or swearing at or humiliating an individual in public or private
- persistent criticism or constantly undervaluing effort
- ridiculing or demeaning someone
- derogatory or belittling remarks in front of others as regards appearance, work or personal attributes
- overbearing supervision or other misuse of power or position
- making threats or comments about job security without foundation
- increasing responsibility whilst decreasing authority
- overruling, ignoring, marginalising, or excluding an individual
- removing areas of responsibility and imposing menial tasks
- deliberately sabotaging or impeding work performance
- preventing individuals progressing by intentionally blocking promotion or training opportunities or withholding work related information
- excluding individuals from work or team events or isolating an individual by refusing to speak to them.

Academic Registrar
November 2020