Dealing with Unacceptable Behaviour: Guidance for students

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1 Introduction

1.1 This guidance is aimed at helping students decide what to do if they consider that they have been affected by unacceptable behaviour by staff or other students. Any student in this position should contact Student Services or the Students’ Union for advice if they wish to access support.

2 What constitutes unacceptable behaviour?

2.1 Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person’s distress or discomfort. This behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone, text or email communications, or social media. Some examples are included below, but this list is by no means exhaustive:

- Aggressive or abusive behaviour, such as shouting or personal insults
- Spreading malicious rumours or gossip
- Unwanted physical contact, including groping
- Offensive comments or body language
- Displaying offensive material or graffiti relating to an individual
- Making threats or promises in return for sexual favours
- Innuendo or spreading gossip based on sexual orientation
- Inappropriate initiation ceremonies
- Using social or other on-line media to communicate negative, abusive, and harmful statements against students, staff and the University

2.2 If you begin to feel at any time as if you are being singled out, ganged up on, threatened, or you are feeling uncomfortable or upset at the way somebody is treating you, it is really important to speak to someone. You should be aware that you are also legally protected against discriminatory language, behaviour or action related to any of the’ protected characteristics’ as set out in the Equality Act 2010. These characteristics are defined by law as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), sex and sexual orientation.

3 Confidentiality

3.1 If information is to be kept confidential, you must make this clear to the person to whom any complaint is made. You should understand that in exceptional circumstances it may not be possible for confidentiality to be respected, for
instance where a criminal offence has been disclosed or where it considers that you or other students are in danger.

3.2 You should also understand that in some circumstances the demand for confidentiality may make it difficult for the University to assist you with your complaint. If you wish the University to take action this will usually mean that we have to inform the person you are complaining about of the allegations. This will be explained to you at the time of making the complaint.

4 What should you do if you experience unacceptable behaviour?

4.1 You could try to resolve the situation informally… Wherever possible, if you believe that you are being subjected to any form of unacceptable behaviour you should take personal action to resolve the situation in the first instance as follows:

- Try to speak directly to the person responsible for the behaviour – they may genuinely not know that they are acting in a way that’s unacceptable to you.

- If they don’t respond to this, or if you feel unable to approach them, then it is vital you take the matter further.

- Go and talk to someone in the Students’ Union or Student Services. Some forms of behaviour can be very subtle and it can often help to talk through your experiences with a third party.

- Discuss the issue with your Personal Tutor, or other appropriate member of staff – basically anybody who you feel comfortable with – to discuss ways in which the situation can be resolved with their support and/or involvement.

4.2 You could make a formal complaint… If you feel unable to take any personal action or if the matter remains unresolved through the informal means outlined above, you can complete the appropriate Student Complaint Form or put your complaint in writing and submit it electronically by email to the University Secretary (university.secretary@uwl.ac.uk) who will then determine how your complaint will be progressed. Allegations against individuals who are not students or staff at the University – for example, agency or contract workers - may not be able to be dealt with under this policy as they are not subject to discipline under the University’s internal processes. In these circumstances, you will be advised of other possible ways to pursue your complaint. The Students’ Union Advice Team or Student Services can provide support to students in such circumstances.

5 You’ve made a formal complaint – so what happens next?

5.1 If you have complained about the behaviour of a student…..the Complaints and Compliance Officer will consider if reasonable steps have been taken to resolve the issue informally. In some cases, the complaint may be referred to Student Services to try to find a way to resolve the complaint through informal means
that have not yet been explored or through mediation, involving other members of staff as appropriate.

5.2 Where informal resolution is not possible or where the matter is deemed suitably serious, the complaint will be referred for consideration under the Student Disciplinary Regulations.

5.3 If you have complained about the behaviour of a member of staff......allegations made against members of staff will be considered by the University Secretary who will discuss the matter with the Head of HR. Where appropriate it will be passed to HR for action under the Staff Disciplinary Procedures. HR will explore whether the matter can be resolved by informal means, such as mediation, before taking formal action.

5.4 Any actions taken under the Staff or Student Disciplinary Procedures are subject to a high standard of confidentiality. However, where the University considers that it is in your legitimate interests as defined by the Data Protection Act it may be appropriate to inform you that action has been taken. Each case will be considered on its merits.

5.5 You should be aware that legitimate and constructive criticism of a student’s performance or behaviour, or reasonable requests made of students by members of staff do not constitute unacceptable behaviour under this guidance.

6 Reporting to the Police

6.1 Where the behaviour towards you constitutes a criminal offence, you are encouraged to report the matter to the Police. The University will help you do this where appropriate.

6.2 If the matter becomes the subject of a police investigation, the University will suspend its own disciplinary investigation until the police investigation is concluded. Once this has happened, the University will decide what further action is required.

6.3 The University will respect your wishes if you do not wish to report the matter to the Police and will take disciplinary action where appropriate. You should note, however, that such action will only be based on whether the alleged perpetrator has committed misconduct in relation to the Student Code of Conduct. The University cannot decide whether someone has committed a criminal offence.

6.4 In some very rare instances, the University may need to report the action to the police themselves where it is necessary to protect you (or others) from harm or to prevent a further crime taking place. However, it will consult you on this and make a decision on a case by case basis depending on the circumstances of the matter.