

# Aberystwyth University

## Student Code on Dignity and Respect

### 1 Introduction

- 1.1 Aberystwyth University has a responsibility by law to provide a working and learning environment where individuals are treated with dignity and respect, free of unlawful discrimination, victimisation, bullying or any form of harassment or abuse. The University will not tolerate behaviour contrary to dignity and respect and expects its members to treat each other in a way they would wish to be treated themselves and to raise with individuals directly, if possible, where those expectations in terms of their behaviour falls short.
- 1.2 Students, staff and members of the public should not be treated unfavourably or be subjected to bullying or harassment because of race, colour, ethnic or national origin, sex or sexual orientation, marital or civil partnership status, religion or belief (or no religion or belief), maternity/pregnancy, gender identity or status, age, trade union membership, disability, offending background or any other protected characteristic.

### 2 Purpose

- 2.1 This code aims therefore to:
- set clear behavioural expectations for students about their responsibility to ensure the dignity and respect of others across all institutional activities and the consequences for students of failing to meet these expectations
  - inform students about the University's commitment to ensuring their safety and wellbeing and of their rights if they feel they are not being treated with dignity and respect by others
  - signpost students to sources of support and information
  - encourage positive behaviour and the use of informal approaches to resolve issues wherever possible
  - emphasise commitment of AU values and a zero tolerance approach to behaviour contrary to dignity and respect
  - encourage individuals to report all instances where dignity and respect are not demonstrated
  - ensure concerns raised are dealt with effectively and treated sensitively, consistently, in a timely fashion, with due regard to confidentiality
  - facilitate the capture of data for monitoring purposes

### 3 Scope

- 3.1 This code should be used to deal with any allegations of bullying, harassment or other behaviour contrary to dignity and respect (as outlined in Appendix 1) perpetrated by students whether on campus or not or whether on University related activities or not. It applies to all students pursuing undergraduate and postgraduate courses and distance learning programmes (including external students, those on temporary withdrawal or in abeyance).
- 3.2 The Code works in conjunction with other policies as appropriate e.g. Social Media Policy, Accommodation Licence Agreement, including breaches of licence arrangements.

3.3 Students, members of staff or the wider community may request action be taken against students under this code.

#### **4 Reporting a Concern**

4.1 The University is aware that there may be a number of barriers to reporting incidents. Therefore, individuals have the option to submit an anonymous or third party report. However, individuals are reminded that in submitting an anonymous report there is likely to be insufficient information for the University to take any action other than to collect data for monitoring purposes.

4.2 Details on how to report a concern can be found here: <https://www.aber.ac.uk/en/student-support/student-dignity-respect/>

4.3 In making a report, individuals are encouraged to specify their desired outcome and preferred option for resolution. This may include a request that no further action is taken. Where individuals have requested no further action is taken the University will respect their wishes unless there is perceived to be a need to safeguard individuals and/or as part of effective risk management.

4.4 Where the University determines the need for action contrary to the wishes of the individual, this may include reporting the matter to the police and/or taking disciplinary action in line with published policies.

4.5 Where the behaviour also constitutes a breach of a University accommodation licence agreement, action may be taken under such arrangements as may be published for responding to breaches of licence.

4.6 In deciding whether to make a disclosure contrary to the wishes of an individual, the University will take into account any potential harm that the unauthorised disclosure may cause to the individual.

#### **5 Malicious or vexatious complaints**

5.1 Individuals are encouraged to raise concerns without fear of recrimination, confident that the University takes allegations of such misconduct seriously. However, a formal complaint should never be made on a malicious or vexatious basis, and a complaint should never be used as a threat against an individual. Malicious complaints by students may themselves be the subject of disciplinary action.

#### **6 Options for Resolution**

6.1 Misunderstandings can, and do, occur. This is especially true in a diverse community of students where there exist different cultural values and assumptions (e.g. about personal space, touching etc.). If these misunderstandings can be cleared up informally, so much the better. Where appropriate the University therefore recommends that an informal approach to resolution is adopted.

##### **6.2 Informal Options**

6.2.1 Self Resolution: The University recognises individuals' capacity to resolve difficulties for themselves, and where appropriate recommends that an informal approach to resolution is adopted by the individual by raising the matter with the student against whom the allegation is made.

## **6.3 Formal Options**

- 6.3.1 In the event that an informal resolution has not been successful, or if the issues are considered sufficiently serious, formal action may be necessary. This may involve requesting the University to take action or referring the matter to the police or both.
- 6.3.2 Where appropriate, the University encourages victims to make a report to the police. Where the matter is reported to the police, it is important that any action by the University does not undermine the legal process or contaminate evidence. It may therefore be necessary for any action (other than precautionary measures) on the part of the University to be deferred until such time as any criminal proceedings are concluded, except where University-specific jurisdiction applies e.g. accommodation, seminars, etc. In which case the usual University disciplinary sanctions would apply.
- 6.3.3 Where an individual does not wish to report the matter to the police or does not wish the University to take disciplinary action, this will be respected unless the University perceives there to be a need to safeguard individuals and/or as part of effective risk management. In such cases the University may take action contrary to the wishes of the alleged victim but in so doing will take into account any potential harm such a disclosure might cause the individual.
- 6.3.4 Individuals wishing the University to take formal action should submit their request in writing via the Student Disciplinary Procedure to [dscstaff@aber.ac.uk](mailto:dscstaff@aber.ac.uk). Formal action may include holding a facilitated discussion between relevant parties and an appropriate member of University staff to explore possible outcomes for resolution.
- 6.3.5 Where the behaviour also constitutes a breach of a University accommodation licence agreement, action may be taken under such arrangements as may be published for responding to breaches of licence.

## **7 Risk management and precautionary measures**

- 7.1 In all cases, regardless of an individual's wishes regarding the way ahead, the University will need to consider the need for precautionary measures where such measures are deemed necessary to safeguard individuals and/or as part of effective risk management. In reaching a decision about precautionary measures account will be taken of:
- the perceived risk of harm posed to the victim and alleged perpetrator or the wider student community
  - the perceived risks of imposing or not imposing precautionary measures
  - the nature of the alleged misconduct
  - the circumstances of the incident
  - the circumstances of those involved
  - the views of the CPS/police
  - the support needs of all parties
  - the potential for the victim and alleged perpetrator to come into contact with each other
  - the need to ensure that a full and proper investigation can be carried out without impediment (either by the police or University)
  - the need to protect the reporting student, the alleged perpetrator or potential witnesses while the allegation is being dealt with as part of a criminal or disciplinary process
  - the University's duty of care and the interests and welfare of all parties involved

- how best to mitigate perceived risk while having the minimum possible negative impact on the accused/alleged victim and others who may be affected or involved
- the need to treat all parties as fairly and as equally as possible
- the practicality and wider implications of imposing any measures in individual cases
- reasonableness and proportionality
- visa considerations and professional practice matters will also be considered

7.2 Precautionary measures shall be implemented without prejudice for the accused student or alleged victim or other parties as appropriate. Such measures will not be considered as an indication of guilt. Measures may include:

- restricting contact between the accused student, alleged victim or potential witnesses
- requiring any party involved to move to alternative accommodation
- prohibiting the accused student, alleged victim or other relevant parties from accessing certain areas or facilities of the University
- re-arranging tutorial/seminar groups
- temporarily suspending the accused student from his/her studies pending the outcome of any police/disciplinary investigation.

The above list is not exclusive.

7.3 Decisions regarding precautionary measures shall usually be taken by a cross institutional panel comprising members of the University community relevant to the specifics of the case. Details of members who may be party to deciding precautionary measures are outlined in Appendix 2. The panel may be called by the Head of Student Support and Careers Services (or depute) or Head of Residences or depute (for issues relating to breaches of University accommodation licence) and may meet virtually or in person. 7.4 Failure by any student to comply with precautionary measures may result in the imposition of more serious precautionary measure/conditions or disciplinary action.

## **8 Duty of care to alleged perpetrators**

8.1 The duty of care towards the alleged perpetrator shall be underpinned by an institutional commitment to recognising that an individual is innocent until proven guilty.

8.2 In exercising its duty of care to an alleged perpetrator the University will give due consideration to contract and consumer law; negligence; health and safety legislation; equality legislation; human rights; data protection and natural justice and any perceived risks to the alleged perpetrator, the alleged victim or the wider community.

8.3 In the interests of natural justice, the alleged perpetrator is entitled to be made aware of the allegations made against him/her unless so doing would prejudice the immediate safety of the alleged victim or is contrary to the advice of the CPS/police. In such cases, precautionary measures may be put in place prior to the accused being notified that an allegation has been made.

8.4 In extreme situations, as a precautionary measure, it may be necessary to temporarily suspend the alleged perpetrator from University. Suspension shall only be taken at PVC level and only where the perceived level of risk of not suspending is considered to be high and no alternative measures are possible to mitigate the perceived risk. Any suspension will be subject to review at regular intervals to ensure any material change in the circumstances

of the case is taken account of. Appropriate academic and other support shall be provided to the student and he/she shall be kept informed of the progress of any University's investigation.

## **9 Record keeping**

- 9.1 Individuals should be aware that staff could potentially be called as witnesses in any legal or disciplinary proceedings, and staff will therefore be required to keep records to account for their involvement in relation to any incident. Records must be stored appropriately in line with University records management requirements and senior management will be updated regularly on the safekeeping of records.

## **10 Confidentiality**

- 10.1 The confidentiality of all parties will be maintained as far as possible unless the University perceives this to be contrary to safeguarding individuals and/or as part of effective risk management. In such cases the University reserves the right to breach confidentiality but in so doing will take into account any potential harm such a disclosure might cause to the individuals involved.

## **11 Advice and support**

- 11.1 Where requested, the University will offer advice and support to both the alleged victims and alleged perpetrators as well as to any witnesses. The advice and support shall be tailored to the specifics of the individual case.
- 11.2 Support for both alleged victims and the alleged perpetrators may be provided by the same team/department but wherever possible by different members within that team/department.
- 11.3 Care shall be taken to avoid replicating the function and support provided by external agencies. However, where appropriate the University will work in partnership with external agencies (referring on as required) to support individuals usually (but not necessarily) with the consent of the individuals concerned (see para 10 above).

## **Appendix 1: Behaviour Contrary to Dignity and Respect**

(This list is not exhaustive and other forms of behaviour contrary to dignity and respect will be viewed equally seriously)

Harassment is defined as unwanted comments or conduct viewed as demeaning and unacceptable by the recipient or by any reasonable person. It applies to age, disability, gender assignment, race, religion or belief, sex (gender), sexual orientation, marriage or civil partnership, pregnancy or maternity, or any personal characteristic of the individual student. It may be intentional or otherwise; persistent or an isolated incident.

Sexual harassment refers to unwanted sexual comments, sexual invitations, innuendos and offensive gestures including catcalling, groping, pinching or smacking an individual's body. It also includes removing clothing without agreement or an individual(s) exposing themselves without consent; inappropriate physical contact, displaying sexually explicit material (on paper or electronically), inappropriate jokes of a sexual nature, indecent requests or suggestions.

Harassment on grounds of sexual orientation includes homophobic remarks or jokes, threats to disclose sexuality, spreading malicious rumours or inappropriate questions regarding sexual activity.

Harassment on grounds of gender identity includes inappropriate displays of material that degrades a particular gender, such as a comic or other type of visual; comments or remarks that gender-degrade, such as inappropriate jokes or stories (especially if they are directed at a particular person or group of persons); insults or derogatory actions directed towards a person based on their gender; remarks that continue after the person has requested them to stop, or has indicated that they are offensive; actual physical contact, assault, or interference with the person due to gender issues.

Racial harassment is behaviour which is offensive to the recipient and includes derogatory name calling, inappropriate jokes, comments or conduct based on the perception of race, colour, nationality or ethnicity.

Harassment of disabled people relates to unnecessary or uninvited physical conduct or staring, inappropriate questions or assumptions about the impact of someone's disability.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. There is no requirement to demonstrate the intention to bully only that the bullying occurred.

Domestic violence refers to abuse within all kinds of intimate or family-type relationships. Such abuse can be physical, sexual, psychological or emotional and can be actual, attempted or threatened. The abuse can begin at any time, in new relationships, or after many years together.

Stalking is persistent unwelcome contact such as following a person, watching or spying on them leaving repeated or alarming messages on voice mail or email or by text or forcing contact through any means, including social media. The conduct might appear innocent in isolation but when carried out repeatedly such behaviour might curtail a victim's freedom and cause significant alarm, harassment or distress.

Cyber-bullying includes abusive social networking, sending emails with threatening or inappropriate content, or copying emails to a third party not relevant to the discussion.

Hate incident is defined as any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of (but not limited to) their race, religion, sexual orientation, disability or because they are transgender.

Hate crime is a hate incident which reaches the threshold of a criminal offence.

Sexual abuse is any non-consensual sexual contact. Sexual abuse can happen to men or women and can include derogatory name calling, refusal to use contraception, deliberately causing unwanted physical pain during sex, deliberately passing on sexual diseases or infections and using objects, toys, or other items without consent to cause pain or humiliation.

**Appendix 2: Panel Members For Precautionary Measures (as appropriate to the specifics of each case).**

This list is not exhaustive and relevant heads may nominate a deputy to attend in lieu

- Pro Vice Chancellor
- Head of Student Support and Careers Services or depute
- Head of Academic Department or depute
- Head of Residences or depute
- Head of Facilities Management or depute
- Director Health, Safety and Environment or depute
- Director of Communications or depute
- Academic Registrar or depute
- Registry or depute Senior Tutor (Other relevant staff or individuals as relevant to the specifics of the case)