



# **Student Dignity and Respect Policy**

(Includes a zero-tolerance response to all forms of abuse and violence, e.g. physical, psychological or sexual, assault, domestic abuse, hate crime, stalking, harassment etc)

**2019 to date**

**DOCUMENT CONTROL INFORMATION**

<b>CLASSIFICATION</b>	<b>DOCUMENT DESCRIPTION</b>
<b>Classification</b>	Student Policy
<b>Responsibility for drafting</b>	Director of Student Services
<b>Consulted with</b>	Students' Union
<b>Document Sponsor</b>	Lisa Banks
<b>Approved by</b>	Student Experience Committee
<b>Effective from</b>	2019
<b>Next review date</b>	2021
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## 1. Introduction

The University of Central Lancashire is committed to ensuring equality of opportunity for its students. The University aims to ensure that all students achieve their academic potential and that no student is unreasonably disadvantaged when applying to and studying at the University. Our values and vision are set out in the [Equality and Diversity policy](#) and [Student Charter](#). They detail the rights and responsibilities we all have as members of the UCLan community. Every student has a personal responsibility to comply with these policies and to treat fellow students, staff and visitors with dignity and respect.

The University recognises that all students and staff have the right to live, study, work and relax in an environment where they feel safe and are free from any form of unwanted behaviour, abuse or violence. A zero-tolerance approach is taken towards anyone who commits acts of violence or abuse e.g. sexual, physical, psychological, domestic, hate crime, stalking or harassment etc. All members of the UCLan community are encouraged to report incidents in accordance with the [Student Dignity and Respect Procedure](#), regardless of the circumstances, or doubts they may have.

## 2. Aims

The aims of the policy are to:

- Enable students to identify and understand what constitutes this type of unwanted behaviour.
- Support students to feel comfortable to report this behaviour, to be clear on the support they will receive and to understand the consequences for the perpetrator of such acts.
- Engender a culture in which everyone feels safe from abuse or violence and feels confident to challenge and report inappropriate behaviour.
- Support the Yes to Respect campaign that informs the UCLan community on respectful, appropriate behaviour.
- Support a whole university approach to effectively managing and preventing any types of violence or abuse.

The policy is designed to provide advice and guidance to all parties – reporting students, witnesses and responding students/ individuals. Alumni, who might only feel comfortable reporting an incident post-graduation, will also be supported.

## 3. International Context

International recognition of the prevalence of abuse (sexual, psychological, domestic), hate crime, violence stalking or harassment in society is well rehearsed. In an educational setting, the USA launched the [It's on Us campaign](#) (2014) - a national movement to end sexual assault. The campaign was launched following recommendations from the White House Task Force to Prevent Sexual Assault that noted the importance of engaging everyone in the

conversation to end sexual violence. In the UK, the [Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students](#) (2016), outlined each university's responsibilities to ensure a safe and positive experience for students. The Student Room, in collaboration with [Revolt Sexual Assault](#) found that 62% of students and graduates had experienced sexual assault whilst at university. The NUS (2012) [That's What She Said](#) report highlights the prevalence of lad culture and banter across university campuses.

#### **4. University Context**

The University and Students' Union agree to:

- Adopt a zero-tolerance approach to any types of violence or abuse on campus and/or perpetrated by/against any of our students.
- Promote an environment of respect, where individuals feel confident to challenge and report such activity.
- Challenge the causes of this behaviour e.g. dismissing the act as 'banter'.
- Promote a better understanding of sexual consent, in particular when individuals are/are not able to give consent e.g. alcohol may affect a person's ability to give consent.
- Promote an understanding that these activities can be criminal acts leading to prosecution.
- Promote student support services and incident reporting mechanisms.
- Systematically collect data through the University's [Report and Support](#) system, acting swiftly on individual cases and utilising the data to identify emerging trends.

#### **5. Legal Context**

Conduct covered by this policy may lead to criminal and/ or civil sanctions. The University and the Students' Union recognise their duties and obligations in law, e.g. the Equality Act 2010 and the Human Rights Act 1998; including in particular the right to freedom of expression and, under the Education Act (No 2) 1986, the University's obligation to take reasonably practicable steps to ensure freedom of speech within the law.

#### **6. Understanding violence and abuse**

The University and Students' Union work together to promote a culture of dignity and respect throughout the University community. No form of violence or abuse will be tolerated. Definitions of inappropriate behaviour are detailed more fully in [Appendix three](#).

## 7. Roles and responsibilities

### 7.1 University responsibilities

The University will:-

- Ensure students have access to its specialist support teams, who will work closely with external services as required e.g. Victim Support. Students and student witnesses will always be offered support from specialist Student Services staff. Where both parties are students, separate Wellbeing Advisers will be assigned to support the reporting student and the responding individual.
- Provide clear information to students about support services, support staff [handling disclosures](#) and maintain effective incident reporting mechanisms e.g. Report and Support.
- Demonstrate a zero-tolerance approach through the Yes to Respect campaign and through swift action to address reported incidents.
- The University will not routinely report an incident of abuse or violence to the police without the reporting student's permission. However, there may be an occasion where the University is required to notify the police of behaviour/areas of concern where there is believed to be an ongoing risk to the student or others.
- The University will also consider the impact of any reported incidents as part of the Extenuating Circumstances Procedure. Student Services are able to assist in terms of providing evidence as part of this process, where the student has been engaging with them for support.

### 7.2 Student responsibilities

Students have a responsibility to:-

- Abide by the University regulations and policies, particularly the [Regulations for the Conduct of Students](#).
- Take responsibility for their own behaviour.
- Challenge, if appropriate, any inappropriate behaviour when they observe this in other members of the University community and/or report it immediately.
- Signpost other students to support services if they are worried about their wellbeing.
- Seek and actively engage in support from [Student Services](#) or the [Students' Union Advice Centre](#).

## Appendices

### 1. Related University policies and procedures

- Student Dignity and Respect Procedure.
- Regulations for the Conduct of Students.
- Student Complaints Procedure.
- Fitness to Practise Procedure.
- Fitness to Study Procedure.
- Safeguarding Policy

[http://www.uclan.ac.uk/study\\_here/student-contract-taught-programmes.php](http://www.uclan.ac.uk/study_here/student-contract-taught-programmes.php) and

[https://www.uclan.ac.uk/students/support/student\\_policies.php](https://www.uclan.ac.uk/students/support/student_policies.php)

### 2. Related web resources

- Student Support general student web pages - [http://www.uclan.ac.uk/study\\_here/student\\_support.php](http://www.uclan.ac.uk/study_here/student_support.php)
- Report and Support – <http://uclan.reportandsupport.co.uk/>
- Headroom – this UCLan site summarises all the external help available <http://www.uclansu.co.uk/headroom>

### 3. Definitions

Under the Equality Act 2010 and the Public Sector Equality Duty, the University has a legal duty to take proactive steps to combat harassment and victimisation. People can be subjected to harassment or bullying on a wide variety of grounds, including in relation to the following 'protected characteristics': -

- Age.
- Disability.
- Gender reassignment.
- Pregnancy or maternity.
- Marriage or civil partnership.
- Race (including ethnic origin, nationality or skin colour).
- Religion and belief.
- Sex/gender.
- Sexual Orientation.

## Harassment

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, having regard to all the circumstances including the perception of the victim. Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious.

Below is a non-exhaustive list of what may constitute harassment:

- Offensive gestures, language, gossip or jokes.
- Insulting or abusive behaviour or comments.
- Spreading malicious rumours.
- Physical contact, ranging from an invasion of personal space and/or inappropriate touching, to serious assault.
- Display of sexually suggestive, pornographic, racist or otherwise offensive pictures or other material or the transmitting of any such messages or images via electronic mail, mobile telephone or social media.
- 'Outing' someone.
- Upskirting.
- Persistent unwanted isolation or exclusion.
- Persistent unwanted attention.
- Humiliating or demeaning criticism.

Harassment may consist of a single incident, or a pattern of behaviour which continues after an objection is made. An individual does not need to belong to a group themselves in order to bring a complaint if they feel someone's behaviour was inappropriate and violated the dignity of that group. For example, someone could still complain that a homophobic remark was used even if they were heterosexual.

Harassment can also take place on the basis of perception or association. An individual can bring a complaint if they experience harassment because they are perceived to have a protected characteristic that they do not actually have, or because they are associated with a person with a protected characteristic. For example, an individual can bring a complaint if they are harassed because their partner, family member or friend has undergone gender reassignment, or because they need to take time out of work to care for an elderly or disabled relative.

It is not the intention of the alleged harasser that determines whether harassment has occurred, but whether it is considered unacceptable to the complainant. It may be deliberate or unintentional, and differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. Despite this, it is recognised that harassers may minimise their behaviour and we will ensure we take appropriate action to support and protect students reporting harassment.

In deciding whether the unwanted conduct amounts to harassment, the University will take into account:



- (i) the perception of the reporting student;
- (ii) the other circumstances of the case; and
- (iii) whether it was reasonable for the conduct to have the effect identified by the reporting student.

## **Freedom of expression (European Convention on Human Rights, Art 10)**

Students have the right to freedom of expression. This right includes the freedom to hold opinions and to receive and impart information and ideas. The right is not absolute as it carries with it duties and responsibilities. It can therefore be restricted by the University as prescribed by law and as necessary in a democratic society for certain legitimate purposes, including the protection of the rights of others (e.g. to protect other students and staff from harassment). Any restriction of the right by the University will be proportionate to the purpose being pursued.

## **Bullying**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. What is considered bullying to one person may not to another due to differences in attitude and culture. Some of the examples that the Advisory, Conciliation and Arbitration Services (ACAS) include as forms of bullying are:

- spreading malicious rumours, or insulting someone (particularly on the grounds of age, disability, gender reassignment, race, religion or belief sex and sexual orientation).
- ridiculing or demeaning someone – picking on them or setting them up to fail;
- exclusion or victimisation.
- unfair treatment.
- overbearing supervision or other misuse of power or position.

Bullying and harassment can take the form of face to face contact as well as written communications including email, visual images, or by telephone, SMS or social media.

## **Victimisation**

Victimisation is defined as treating a person/group of people less favourably because of action they have taken under or in connection with equality legislation. Some examples of victimisation include:

- excluding someone from social situations following a complaint or rumour.

- denying someone the opportunity to participate in a project, social event or apply for a placement opportunity because they are perceived to be a 'troublemaker'.
- lowering a student's assessment results because they have made or supported a complaint.

## **Hate Crime**

Hate crime is defined as "Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate." Harassment, bullying and victimisation involving students may be:

- experienced by students from other students, staff or visitors.
- by students on other students, staff or visitors.

## **Sexual Assault / Misconduct**

Sexual misconduct is defined as unwanted conduct of a sexual nature which occurred in person or by correspondence, telephone, text, email, or other electronic and/or social media and may include:

- engaging or attempting to engage in a sexual act without consent.
- threatening or abusive behaviour of a sexual nature.
- sexually touching another person without their consent.
- inappropriately showing sexual organs to another person.
- recording and/or sharing intimate images of another person without their consent;
- repeatedly following a person without good reason.
- inappropriate comments, jokes, wolf-whistling, banter or name calling.

Consent is defined as the clear and unambiguous agreement to participate in a sexual act, where the person has both capacity (i.e. the age and understanding to choose whether to take part in the activity at the time) and the freedom to make that decision (i.e. was not constrained in any way e.g. wholly incapacitated due to alcohol or drugs). If the person has both the capacity and freedom to consent, the key question is whether they agreed to the activity by choice.

Consent cannot be assumed on the basis of previous experience or previously given consent and each new act requires re-confirmation of consent as the basis of a respectful relationship. Consent may be withdrawn at any time.

## **Domestic abuse**

Domestic abuse is an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, but also by a family member or carer. Domestic abuse can include, but is not limited to, the following:

- Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence).
- Psychological and/or emotional abuse.
- Physical or sexual abuse.
- Financial abuse.
- Harassment and stalking.
- Online or digital abuse.