

University of the West of Scotland

Sexual or Racial Harassment Policy and Procedures for Students

(This code only applies in a situation where a student alleges harassment by a member of staff or another student)

Policy Statement

The University of the West of Scotland is committed to a learning environment which is free from discrimination. Sexual or racial harassment can seriously worsen working and social conditions for students and staff at the University and is contrary to the Equal Opportunities Policy. Incidents of sexual or racial harassment will be regarded extremely seriously and can be grounds for disciplinary action which may include dismissal or expulsion.

This statement of policy will be published and will be made available to students. Copies will also be made available to members of staff. Members of staff are covered by similar procedures.

Definition

Sexual harassment may be defined as -

Any unwanted conduct of a sexual nature, or other conduct based on sex or sexual orientation affecting the dignity of women and men at work. It is unacceptable if such conduct is unwanted, unreasonable and offensive to the recipient or which the recipient believes interferes with his or her study and/or creates an intimidating, hostile or humiliating learning and studying environment.

The following examples of physical, verbal and non-verbal conduct constitute harassment

- unnecessary touching or unwanted physical contact or assault
- sexually suggestive or derogatory remarks
- aggressively foul language
- compromising invitations or gifts
- requests or demands for sexual favours
- displays of sexually suggestive or degrading pictures or objects in the University
- any comments which imply that gender impairs a person's ability
- incitement to any of the above

Racial harassment may be defined as -

Any unwanted racially derogatory or discriminatory statement or act made by someone in the University which is offensive or objectionable to the recipient, causes discomfort or humiliation, interferes with study or research, or creates a threatening, hostile or intimidating environment.

The following examples of physical, verbal and non-verbal conduct constitute harassment

- physical assault or unwelcome physical contact
- threats or verbal abuse

- derogatory racial remarks or name calling
- insults or racist jokes
- racist graffiti, objects or pictures in the University environment
- any comments which imply that race impairs a person's ability
- incitement to any of the above

Implementation Guidelines

Any difficulty in defining what constitutes sexual and racial harassment should not deter students from complaining of behaviour which causes them distress. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial or sexual harassment by one person may not seem so to another. The defining features, however, are that the behaviour is unwanted by the recipient and would be regarded as harassment by any reasonable person. It is worth bearing in mind that certain types of harassment may constitute a criminal offence. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. The University will respect the particular sensitivity of sexual and racial harassment complaints and their consequences as well as the need for the utmost confidentiality.

- Harassment may occur between any members of the University community i.e. of the same as well as the opposite sex; between staff and students, students and staff and between students and students.
- All members of the University are responsible for helping to ensure that individuals do not suffer any form of sexual or racial harassment and that they are encouraged and supported in any legitimate complaint.
- Appropriate members of the University's staff will receive training in dealing with sexual and racial harassment, and will be available to any student or member of staff to provide confidential advice and information, channel complaints and negotiate between parties.
- When reported, complaints of harassment will be considered with all possible speed and appropriate action taken as quickly as possible. Cases of alleged harassment will be investigated impartially by the University. The alleged harasser will be given a clear account of the allegation and will have the opportunity to state his or her case.
- **If you have been physically attacked, seek help immediately.** Get in touch with one of the suggested designated University advisers publicised throughout the Institution. They will give you support and help you decide what to do. No one else will be contacted without your express permission.

Procedure for Dealing with Complaints

The undernoted procedures do not affect an individual's legal rights.

Informal

If you feel that you are being subjected to sexual or racial harassment in any form by a fellow-student or a member of staff, do not feel that it is your fault or that you have to tolerate it. You are encouraged to make it clear to the harasser that the behaviour is unwelcome, unacceptable and must cease as it is interpreted as harassment as defined in this policy statement. If you feel unable to tackle the person concerned, this does not constitute consent to the harassment nor will it prejudice any complaint you may wish to bring. You may, if you wish, discuss the matter with one of the University's designated Officers who will be willing to discuss the problem with you on a confidential

basis. No further action would be taken without your express permission. The designated Officer may accompany you if you approach the alleged harasser about their behaviour or may do so on your behalf if you wish. Alternatively, you may explain the situation to an appropriate Head of Department, Personal Tutor/Supervisor or a representative of senior management. This individual will attempt to resolve the problem through informal discussion with the harasser. Before doing so, he or she should seek the advice of a designated Officer (who may be the University Personnel Officer in cases involving harassment by University staff).

Formal Approach

If the informal approach does not lead to a satisfactory conclusion, or if the harassment does not cease, then the formal approach as noted below should be used. You may also use the formal approach as a first step should you feel that this is appropriate in the circumstances.

Formal Approach - Harassment by University Staff

Your complaint should be in writing and should be lodged with a University designated Officer who will discuss the matter with you. The matter will then be referred to the Personnel Officer.

The complaint will then be dealt with promptly and in the strictest confidence in the following way:-

- (a) The designated Officer will inform the alleged harasser that a formal complaint has been made and that he or she has the right to seek representation. This may be a colleague, friend or a trade union representative.
- (b) The designated officer and the Personnel Officer shall jointly call separate investigatory meetings with the complainer and the alleged harasser to resolve the matter. Each party may be accompanied by a representative (if so desired). If both parties agree a joint meeting may be convened.
- (c) The designated Officer shall without delay reply in writing to all parties advising of the outcome of the investigations.

If disciplinary action is proposed then the staff disciplinary procedure will be adopted.

Formal Approach - Harassment by University Students

Your complaint should be in writing and should be lodged with a University designated Officer who will discuss the matter with you. The matter will then be referred to an appropriate Head of Department, Head of Section or Unit.

The complaint will then be dealt with promptly and in the strictest confidence in the following way:-

- (a) The designated Officer will inform the alleged harasser that a formal complaint had been made and that he or she had the right to seek representation. This may be a fellow-student or a representative of the Students Association.
- (b) Two designated officers shall jointly call separate investigatory

meetings with the complainant and the alleged harasser to resolve the matter. Each party may be accompanied by a representative (if so desired). If both parties agree a joint meeting may be convened.
(c) One of the designated Officers shall without delay reply in writing to all parties advising of the outcome of the investigations.

If disciplinary action is proposed then the student disciplinary procedure will be adopted.

Appeals

If you feel that there has been an irregularity in the procedure of either the formal or informal approach, you shall have the right of appeal to the University Court within 14 calendar days of receipt of confirmation of the outcome of the preceding stage(s).

The appeal should be made in writing, specifying the grounds of appeal, to the Secretary of Court who will arrange an Appeals Committee comprising three members from a panel nominated by the University Court. These members will be trained in sexual or racial harassment policy and procedures.

The Appeals Committee shall be convened within 10 working days after receipt of the written request. It shall communicate its decision in writing to all parties concerned as soon as possible thereafter. The decision of the Appeals Committee shall be final.

Designated Officers - Sources of Advice

Designated Officers

University Registrar: **David Rigg**

Sources of Advice

Personal Tutor, Adviser of Studies, Supervisor
Head of Department
Student Advisory Service
University Chaplaincy
Assistant Personnel Officer
University Health Service
Occupational Health Nurse
Student Association Representative