

University of Westminster Diversity and Dignity at Work and Study Policy

Section 1: Diversity and Dignity at Work and Study Policy

Section 2: Procedural framework

Appendix 1: Definitions and Examples

Appendix 2: Routes for raising and resolving issues and concerns

Supersedes all previous versions:

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Reporting responsibility: Academic Registrar's Department, Human Resources
Department, Student and Academic Services

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and Student Experience Committee.

EDI Committee (recommend): 25th April 2022

Governance and Nominations Committee (consulted): 18th May 2022

Section 1: Diversity and Dignity at Work and Study Policy

1.1 Introduction

We are a University where discoveries are made, barriers are broken, diversity is celebrated and where everyone is welcome. We are seeking to make the world a more inclusive, sustainable, better and healthier place through our educational, research and knowledge exchange endeavours.

Our values: Progressive, Compassionate and Responsible support this purpose. Living these values will create a positive and safe place with a culture that allows all members of the University community to be themselves, and to feel proud of being a part of the University of Westminster.

1.2 Statement of Intent

At the University of Westminster, diversity, inclusion and equality of opportunity are at the core of how we engage with students, colleagues, applicants, visitors and all our stakeholders. We are fully committed to enabling a supportive and safe learning and working environment where everyone is treated with dignity and respect and which is equitable, diverse and inclusive, is based on mutual respect and trust, and in which bullying, harassment, sexual misconduct, discrimination and victimisation are neither tolerated nor acceptable.

This will support colleagues and students to reach their full potential, regardless of their age, disability, sex, gender identity, marital/civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, ethnic or national origins, family circumstances, nationality, political beliefs and affiliations, socio-economic background, or other irrelevant distinction. Relevant definitions can be found in Appendix 1.

1.3 Purpose and Scope

1.3.1 Purpose

The Diversity and Dignity at Work and Study policy supports the University's commitment to diversity, inclusion and equality of opportunity and protects the well-being of all members of the University. The Policy also sets out the University's position on bullying, harassment, sexual misconduct, unlawful discrimination and victimisation, and provides a framework for students and colleagues to understand the routes by which concerns and complaints about such matters may be raised and resolution sought. See Appendix 2 for further information.

1.3.2 Scope

This Policy covers work and study-related activities including extra-curricular activities and events at all University of Westminster sites and off site, including overseas, as part of the normal working and learning environment

The behaviours and responsibilities set out in this Policy apply to the following members of the University community:

- All University colleagues, including visiting colleagues (the term “colleague” is the University’s preferred term to describe its employees)
- Colleagues from other institutions on placement at or visiting the University.
- All students, including visiting and placement students and alumni
- Contractors working at the University
- Individuals representing, working or acting on the University’s behalf (including suppliers)
- Colleagues working within or for the University of Westminster Students’ Union (UWSU)
- Colleagues of University of Westminster subsidiaries

Further information can be found in the Colleague and Student Codes of Conduct.

The principles of the statement of intent extend to expectations of visitors and external users of the University’s premises and others in the Westminster community.

1.4 Training and Awareness

The University will ensure appropriate professional development opportunities are provided for colleagues, to raise awareness of expected behaviours that demonstrate understanding of diversity and dignity at work and study, and act in supportive and compassionate ways towards all members of the University community. This training and awareness building will support individuals to develop competency to respond to issues that may need to be addressed. This will include universal and role specific training on relevant topics.

In order for this policy to be fair and effective, the whole University community should be aware of it and embed its principles in their interactions with one another.

For existing colleagues, this policy and notice of any updates or changes to it will be disseminated via Heads of Colleges and PS Directors, and to current students via UWSU. The policy will also be available via the University website.

New students will be made aware of this policy via the policy and procedures page for students at <https://www.westminster.ac.uk/about-us/our-university/equality-diversity-and-inclusion/equality-diversity-and-inclusion-policies-and-procedures>

New colleagues will be made aware of this policy via the University induction and through the mandatory online course on Equality and Diversity Essentials <https://www.westminster.ac.uk/about-us/our-university/equality-diversity-and-inclusion/equality-diversity-and-inclusion-policies-and-procedures>

Contractors will be made aware of this policy and any subsequent updates via existing regular monitoring meetings.

1.5 Responsibilities

The responsibilities with respect to this Policy are laid out below.

1.5.1 Individuals

It is the duty of all members of the University community (including those listed in section 1.3.2) to comply with both the letter and spirit of the Diversity and Dignity at Work and Study Policy. Members of the University community should ensure that their behaviour towards others does not cause offence and is not and could not in any way be considered as bullying, harassment, sexual misconduct, discrimination or victimisation.

Differences of attitude or culture and misinterpretation of social signals can mean that what is perceived as harassment or other unacceptable conduct by one person may not be apparent to another. It is important to be sensitive to the feelings and reactions of others.

Individuals will ensure that they:

- treat everyone with courtesy, respect and dignity and foster a supportive and inclusive environment
- embrace diversity and inclusion and promote equality
- build and maintain excellent working relationships at all levels across the University
- consider the appropriateness of their behaviour and the effect it has on others and be prepared to adjust it if necessary, demonstrating sensitivity and respect to the views and needs of others. This is particularly important where individuals may be in a position of authority over others, including students
- participate in training and support the implementation of this Policy where appropriate
- challenge bullying, harassment, sexual misconduct, discrimination and victimisation as and when appropriate, or escalate their concerns to a more senior person, if they do not feel comfortable directly challenging others
- contribute to a stimulating learning and working environment which is supportive and fair, based on mutual respect and trust, and in which bullying, harassment, sexual misconduct, discrimination and victimisation are neither tolerated nor acceptable

1.5.2 University Leaders and Managers

Leaders and Managers will additionally ensure that they:

- build on excellent relationships to foster effective and inclusive team working, modelling partnership working at all levels
- make every effort to ensure that bullying, harassment, sexual misconduct, unlawful discrimination and victimisation do not occur in work or study areas for which they are responsible

- respond sensitively and supportively to any colleague or student who alleges bullying, harassment, sexual misconduct, discrimination or victimisation and provide clear signposting of the correct procedures to follow and support available
- monitor whether any instances of victimisation or other retaliatory or unacceptable behaviour arise as a result of a complaint or grievance being made
- take early action when aware of unacceptable behaviour to address it before a complaint or grievance is made (which may be sufficient to address the behaviour)
- ensure that everyone including colleagues and students know how to raise issues of concern and are aware of the Diversity and Dignity at Work and Study Policy and sources of support
- create a stimulating learning and working environment which is supportive and fair, based on mutual respect and trust, and in which bullying, harassment, sexual misconduct, discrimination and victimisation are neither tolerated nor acceptable

1.5.3 The University

- will seek actively to promote equality and diversity and strive to create an environment which is inclusive and supportive and free from bullying, harassment, sexual misconduct, unlawful discrimination and victimisation
- will not discriminate in the way it provides or procures services on behalf of the University
- will not unlawfully discriminate in the recruitment, promotion and management of colleagues or in the selection, admission and treatment of students
- will neither practice unlawful discrimination, harassment, bullying or victimisation nor encourage colleagues or students to do so and will act robustly to prevent and respond to sexual misconduct
- will not victimise any person who has complained of bullying, harassment, sexual misconduct or discrimination, or who has given information in connection with such a complaint or grievance
- will provide opportunities for reflection and enhancement of its approaches and policies in this area

1.6 Confidentiality

- Complaints or grievances about bullying, harassment, sexual misconduct, discrimination or victimisation will be considered in accordance with the provisions of the appropriate procedure or regulations set out in section 2 below, and should be treated confidentially by those involved in those procedures as required by those procedures and regulations as further described in this section.
- Appropriate confidentiality will normally be observed for both the person raising the complaint or grievance and any subject of that complaint/grievance. In this context, confidentiality relates to the process and its outcomes, details of the case and any investigations (including related investigations). Only those who need to know details of the case will have

access to information, including the reporting and responding parties. It should be noted that in the case of anonymous complaints or grievances, the extent to which procedure can progress may be limited. Observing confidentiality does not prevent those involved in the process or in a matter from seeking the advice of HR, a trade union representative or UWSU representative or solicitor or from otherwise lawfully sharing information.

- During any formal procedure, evidence or statements provided by the complainant, any subject of the complaint or grievance and any witnesses may form part of the documentation, which is to be shared, as appropriate, for the purposes of completing that formal procedure. The information may also be used at a disciplinary hearing or employment tribunal and in the latter case could therefore become public.

In some circumstances, the University may disclose information relating to complaints or grievances, including where it is required by law or for the discharge of its duty of care. For example, in terms of duty of care, should a line manager learn about something that could seriously affect the wellbeing of an individual or group of colleagues, they may have a duty of care to seek advice from their HR Partner or HR Adviser, even if the person from whom they learned this information or who this information is about does not want it to be shared. The University will make such decisions based on the balance of its obligations and individuals' rights in each particular case. Any breaches of confidentiality may lead to disciplinary action in accordance with the appropriate procedure or regulation.

1.7 Malicious or vexatious complaints or grievances

Complaints or grievances of bullying, harassment, sexual misconduct, discrimination and victimisation are treated seriously by the University. If there is evidence that a complaint or grievance has been made vexatiously or maliciously or the complaint or grievance is deemed not of genuine substance by the investigating officers, a recommendation may be made that no further action be taken.

In the event that the complaint or grievance is deemed vexatious or malicious, appropriate disciplinary action may be taken. Victimisation and retaliation as a result of action being taken under this Policy is unacceptable and may also lead to disciplinary action.

1.8 Further support

Support is available to students and colleagues who raise, or who are subject to, a complaint or grievance in relation to the matters covered by this Policy, as follows:

For students:

- Student and Academic Services
- UWSU advice service
- Personal tutors
- Disability tutors
- Student societies
- Student Hub
- Report and Support

For Colleagues:

- Line manager
- Head of School or PS Director
- HR
- Employee Assistance Programme
- Colleague Self-Referral Counselling provision
- Mediation provision
- UCU & Unison
- Colleague networks
- 'Juice' Health and Wellbeing Platform
- Report and Support

Further information / useful contacts are available on the [Report and Support](#) portal for colleagues and students.

Section 2: Procedural framework that supports the Diversity and Dignity at Work and Study Policy

2.1 Procedures

The following procedures are used to deal with alleged breaches of the Diversity and Dignity at Work and Study Policy promptly and fairly. Procedures are intended to deal with any breach (whether minor, repeated or serious breaches) at the appropriate level with sensitivity and impartiality, both for those raising a complaint or grievance and any subject of that complaint/grievance.

Person raising a complaint or grievance	Subject of complaint or grievance	Appropriate procedure
Student	Student	Student Disciplinary Regulations
Student	University / Colleague	Student Complaints Procedure
Colleague	Student	Student Disciplinary Regulations
Colleague	University / Colleague	Grievance Policy and Procedure

Where the relevant procedure listed above provides for an informal resolution stage, individuals are encouraged to consider such a route in the first instance and if appropriate to the circumstances. For further guidance about the routes for raising and resolving issues and concerns, please see Appendix 2.

The University will provide opportunities for those involved in these procedures to reflect on their operation and provide feedback on their enhancement.

Where concerns raised involve visitors and external users of the University's premises and others in the Westminster community, cases that arise will be considered on a case-by-case basis using the most appropriate procedure.

2.2 Formal complaint or grievance

Any complaints or grievances made about bullying, harassment, sexual misconduct, discrimination or victimisation will be investigated thoroughly and without delay, according to the relevant procedures. A formal complaint or grievance should be made in accordance with the procedures or regulations identified in section 2.1.

2.3 Monitoring

HR will maintain formal records in accordance with the requirements of the Data Protection Act 2018 (DPA) of all formal procedures relating to bullying, harassment,

sexual misconduct, discrimination or victimisation by colleagues and report annually to UEB and the Court of Governors.

The University will undertake, disseminate and publish detailed annual equality and diversity monitoring reports relating to colleagues and students. Naturally, these reports will not identify any individual names or cases.

Quality and Standards will provide a report of casework considered under the Student Complaints Procedure which is presented annually to Academic Council, and Court of Governors for monitoring purposes.

Records will be maintained in accordance with the University's [Information Compliance, Records Management and Information Security Policies](#).

2.4 Criminal offences

The procedures referenced in section 2.1 provide further detail on how the University will respond to matters which may constitute a criminal offence.

Digital Accessibility

We are committed to ensuring our websites and content is digitally accessible according to the Public Sector Bodies Accessibility Regulations (2018). This policy is published on our website; and can be requested in a range of formats e.g. Word, PDF, plain text, alternative formats such as large print or Braille.

To implement these guidelines, users are asked to access other digital information or systems. For information on the accessibility of this system, the University has published an accessibility statement for each system which outlines accessibility issues we're aware of and how we are working to address them. You can access this from the system. These guidelines relate to the following digital systems with the following levels of accessibility:

- Report + Support – partially accessible - [Report + Support accessibility statement](#)
- The University of Westminster website – partially accessible – [University of Westminster website accessibility statement](#)
- Microsoft – partially accessible - more on [Microsoft accessibility](#) (including support from the Microsoft Disability Answer Desk)

If you need an alternative to using the system to implement the guidelines, we will support you to do this:

- Students – please contact Quality and Standards on quality@westminster.ac.uk
- Colleagues - please contact HR Advisory Support or HR Services on hr-services@westminster.ac.uk

This document has been designed to maximise usability - for example navigating by headings, meaningful hyperlinks, image descriptions, colour/contrast and display options such as magnification and reflow. Should you encounter an accessibility barrier:

- Students - please report to Quality and Standards on quality@westminster.ac.uk
- Colleagues - please report to HR Advisory Support or HR Services on hr-services@westminster.ac.uk.

Appendix 1: Definitions and Examples

Bullying (including online bullying)

Offensive, intimidating, malicious or insulting behaviour, which may involve the misuse of power (whether or not a person is in a position of authority in relation to another), that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Bullying may be physical, verbal or non-verbal conduct.

Harassment

Unwanted conduct 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.

Colleagues and students can raise concerns about behaviour that they consider constitutes bullying, harassment, sexual misconduct, discrimination, or victimisation even if it is not directed at them.

Sexual Misconduct

Unacceptable conduct of a sexual nature, whether or not unwanted, through any medium, including physical, verbal or online, including (but not limited to):

- harassment
- violence
- assault
- abuse
- threat
- coercion
- contact, advances, insult, banter or innuendo
- intimidation
- offensive, obscene, degrading, insulting or inappropriate communication, messaging, calls or circulation of materials.

Victimisation

Victimisation means subjecting someone to a detriment or otherwise treating them less favourably because they have made (or may make) an allegation or complaint or have otherwise raised (or may raise) a concern about the conduct of a colleague or student or other individual – for example, making a complaint of harassment or a report of sexual misconduct.

Unlawful Discrimination

Unlawful discrimination means less favourable treatment by the University under the Equality Act 2010 because of a protected characteristic.

The protected characteristics under the Equality Act 2010 for employees are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

The protected characteristics under the Equality Act 2010 for applicants and students are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Microaggressions

Everyday verbal, non-verbal and environmental slights, snubs or insults, whether intentional or unintentional, which communicate hostile, derogatory or negative messages to target persons based solely upon their marginalised group membership, including (but not limited to):

Casual/ 'off the cuff' remarks

- Inappropriate jokes
- Questions or comments that reveal assumptions based on stereotypes
- Questioning lived experience

Difference between bullying and robust management

It is important to make the distinction between bullying and robust management. Bullying by its nature is unfair and can undermine a person's best efforts to perform well; bullying behaviour can be used by peers and subordinates as well as managers. Robust management, on the other hand, may involve setting demanding – but fair and achievable – objectives and standards of behaviour appropriate to a colleague's job, grade, and level of responsibility. It is also important for line managers or those working with students to ensure that when it is necessary to address poor performance, give critical feedback, or take disciplinary action against a colleague or student, it is done fairly and constructively, and in full accordance with the University's values, procedures and guidance. To reiterate, vigorous academic debate and legitimate and reasonable management of colleagues and student performance must be distinguished from bullying.

Examples of unacceptable conduct

The following lists provide examples, but are not exhaustive, of unacceptable conduct, whether occurring face-to-face, online (e.g. via electronic media such as email and social media or by phone/mobile) or otherwise.

Harassment:

- physical assault or the threat of violence
- unwanted physical contact, sexual advances or innuendo
- verbal abuse, including threats, derogatory name calling, insults, ridicule or belittling of an individual
- using humour to put another person or group of people down, for example, telling jokes relating to someone's age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation
- spreading malicious lies or making insulting comments (including relating to someone's age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation)
- display or circulation of abusive or offensive materials, whether online or offline, for example by email or on the internet, or on a whiteboard
- sending offensive text messages
- making unnecessary and degrading references to someone's age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation
- ignoring or patronising an individual
- ostracism or exclusion from normal conversation in the work or study environment, or from work- or study-related social events
- coercion, such as pressure to subscribe to a particular political or religious belief
- intrusive behaviour such as the invasion of personal space, pestering, spying or stalking
- persistent, unwelcome contact - including text messages, emails, phone calls, gifts
- deliberately undermining someone - by spreading malicious lies, making insulting comments or bringing a vindictive allegation of unacceptable behaviour
- outing an LGBTQI+ individual without their express permission
- Deliberately misgendering transgender individuals such as refusing to use someone's preferred pronoun or continuing to use their former name ('deadnaming')
- asking a person intrusive questions about their private life

Bullying:

- psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of an individual
- preventing an individual progressing by intentionally blocking promotion or training opportunities, unjustifiably restricting choice of study options or access to tuition
- unfair allocation of work and responsibilities or setting unreasonable objectives in work or study
- asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private
- preventing access to resources
- abuse of power or behaviour that causes fear or distress for others
- acting unreasonably by failing and refusing to listen, reflect and take appropriate account of the position or needs of other people

Appendix 2: Routes for raising and resolving issues and concerns

For students:

Status	Example	What student can expect
A disclosure	e.g. a student tells a tutor but does not provide details that allow an investigation to be conducted	<p>Signposting to reporting platform</p> <p>Referral to the Student Wellbeing team</p> <p>Signposting to external agencies (e.g. Police) and charity/support organisations as listed by Wellbeing and Counselling team</p>
A report	e.g. a student reports to the University with details of the incident (including using Report and Support) but does not state what action they are expecting	<p>As above for a disclosure</p> <p>Access to specialist internal advice and support</p> <p>Liaison on academic or practical adjustments</p> <p>Advice on options (including making a complaint that the University can investigate)</p>
A complaint	e.g. a student submits an account of the incident and confirms that they wish the University to take protective action and investigate	<p>Initiation of the Student complaints procedure and signposting to relevant support</p> <p>Consideration of immediate protective actions</p>

For colleagues:

Status	Example	What colleague can expect
A disclosure	e.g. a colleague tells another colleague or a manager about an alleged incident of inappropriate behaviour or conduct which potentially contravenes the Diversity and Dignity at Work and Study Policy, but does not provide details that allow an investigation to be conducted	<p>Signposting to the Colleague Report and Support platform</p> <p>Referral to the Employee Assistance Programme (EAP) and other health and wellbeing support.</p> <p>Referral to line manager, Head of School or PS Director</p> <p>Referral to the HR Advisory Support Team</p> <p>Signposting to external agencies (e.g. Police)</p>
A report	e.g. a colleague reports to the University with details of the incident (including using Report and Support) but does not state what action they are expecting	<p>As above for a disclosure</p> <p>Access to specialist advice and support</p> <p>Liaison on any practical adjustments to make colleague feel as safe and as supported as possible</p> <p>Advice on options (including making a formal complaint that the University can investigate through the grievance procedure)</p>
A complaint	e.g. a colleague submits a written account of the incident using the Statement of Grievance form and confirms that they wish the University to investigate	<p>Initiation of the Grievance procedure and signposting to relevant support</p> <p>Consideration of mitigation measures and/or precautionary conditions</p>