

# **De Montfort University Kazakhstan Policy on Dignity and Respect (Students)**

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## **1 Scope and Purpose of the Policy**

- 1.1 This policy relates to all Students of DMUK. Every Student is expected to treat Staff and Students with dignity and respect and in turn to be treated with the same. DMUK has a firm commitment to equality and diversity and will not tolerate the discrimination, harassment, bullying or victimisation of any member of the DMUK community by another.
- 1.2 The purpose of this policy is to promote the development of a working environment in which these actions are known to be unacceptable and where individuals have the confidence to report these, should they arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if a Student or prospective Student feels they are being discriminated against, harassed, bullied or victimised during their engagement with DMUK.
- 1.3 A separate policy on Dignity at Work exists for Staff and advice on this may be obtained from the HR team.
- 1.4 All Students are reminded of the following:

*Abusive, threatening, coercive, manipulative or aggravating behaviour which in the reasonable opinion of the designated senior member of Staff or relevant Authorised Officer constitutes harassment, violent, indecent, disorderly, threatening, abusive or offensive behaviour or language including that relating to protected characteristics (verbal or written – including social media websites) to any Student, employee of the University or the De Montfort Kazakhstan Students' Union or any visitor to the University or any member of the local community.*

## **2 Definitions**

- 2.1 The Equality Act identifies nine protected characteristics. These are:
- age
  - disability
  - gender reassignment
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation

2.2 **Unlawful discrimination** is behaviour or a policy or procedure which intentionally or unintentionally has the effect of treating individuals or groups who have a protected characteristic less favourably than other groups. This may include selection for a course, job, promotion, award and so on. For example:

- A Student is excluded from a course related visit or placement because they have a disability.
- A Student is told to leave her course because she is pregnant.
- Students or Staff are compulsorily segregated, for meetings or events, on the basis of their religion, sex, sexual orientation or other protected characteristics.

2.3 **Harassment** is unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity. Individuals or groups may be protected from harassment because they are from a protected group (Equality Act 2010), or because they are associated with the protected group. For example:

- Unwanted conduct of a sexual nature (sexual harassment).
- Treating a person less favourably than another person because they have been subjected to sexual harassment or harassment related to sex, sexual orientation or gender reassignment.
- Treating someone less favourably because they associate with gay, lesbian, bisexual or transgendered people.
- Treating someone less favourably because they hold or are perceived to hold a particular religion or belief.

2.4 **Sexual harassment** is when someone behaves in a way which makes you or others feel distressed, intimidated or offended and the behaviour is of a sexual nature. Behaviour that does not involve physical contact is sexual harassment. If contact or violence is involved the offence becomes sexual assault or violence. The main factor in incidences of sexual harassment and violence is a lack of active consent.

2.5 Examples might include:

- Sexual comments or jokes.
- Displaying pictures, photos or drawings of a sexual nature.
- Sending emails or other form of electronic communication with a sexual content.

- Physical behaviour (but which stops short of contact) including unwelcome sexual advances and stalking.
- Continued advancements or repeated unwanted invitations to social activities.

- 2.6 **Domestic abuse and coercive or controlling behaviour** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.
- 2.7 **Complicity** is any act that knowingly helps, promotes, or encourages any form of hate, bullying or harassment by another individual.
- 2.8 **Retaliation** may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under this Policy, by any individual including both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.
- 2.9 **Vexatious reporting** involves the creation of persistent, unwarranted reports made under this Policy, or a refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.
- 2.10 **Malicious reporting** occurs when an individual shares allegation of breaching dignity and respect that the individual knows to lack a basis in fact.
- 2.11 **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.
- 2.12 Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic or practical vocational performance or constant criticism and undermining. Bullying can be distinguished from vigorous academic debate or the actions of a tutor or supervisor making reasonable (but perhaps unpopular) requests or analysis of performance of their Students. This will be determined by the Designated Senior Member of Staff.
- 2.13 **Victimisation** takes place where one person treats another less favourably because they have asserted their legal rights in line with the Equality Act or helped someone else to do so. For example:

- A Student alleges that they have encountered racism from a tutor, and as a result they are ignored by other Staff members.
- A Student who previously supported another Student or member of Staff in submitting a formal complaint for sexist behaviour is then treated in a hostile manner by Staff.
- Staff brand a Student as a 'troublemaker' because they raised a lack of opportunities for disabled Students as being potentially discriminatory.

2.14 **Cyber bullying** occurs when the internet, social media, phones or other devices are used to send or post text or images intended to hurt or embarrass another person, known or unknown to the individual.

2.15 The University recognises that there are potentially additional types of behaviour that will constitute a breach of this Policy and which will therefore need to be considered under the relevant internal disciplinary regulations.

### **3 DMUK's Commitment**

3.1 DMUK is a diverse community and believes that every Student has a right to work and study in an environment which encourages good relationships. DMUK is committed to deterring hate, discrimination, harassment, bullying or victimisation. The University's commitment to cultural diversity is expressed in its mission and vision statements.

3.2 DMUK take all incidents of hate, discrimination, bullying, harassment and victimisation very seriously and will record such reports and investigate as appropriate.

3.3 Every Student is also personally liable for their own actions. In cases of unlawful hate, discrimination, harassment, bullying, or victimisation the University is required to consider Students as third-party players. DMUK is required to protect its Staff, Students, Staff, contractors and visitors from unlawful hate, discrimination, harassment, bullying or victimisation. Students who are found to have committed these offences will be referred to the University's disciplinary policies and procedures.

3.4 DMUK will endeavour to ensure that any Student raising a genuine concern under this policy is not victimised as a result. The University cannot guarantee the behaviour of another person, but will commit to not victimise and will take action if victimisation occurs.

- 3.5 As allegations of hate, discrimination, harassment, bullying and victimisation are very serious, DMUK will also treat very seriously any such allegations proven to be malicious or untrue and these are also likely to be the subject of disciplinary action.

## **4 Reporting and Responding**

- 4.1 The over-riding principles in dealing with allegations or concerns of hate, discrimination, harassment, bullying and victimisation are that they must be taken seriously, considered carefully and addressed speedily and where possible, in confidence.
- 4.2 Any Student who feels that they are the subject of hate, discrimination, harassment, bullying or victimisation, either by a fellow Student, a member of Staff or anyone else with whom they come into contact in the course of their period of study at DMUK, may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any Student who considers themselves to have been the subject of hate, discrimination, harassment, bullying or victimisation has the right to be listened to, to be given informed advice on how the matter may be resolved, and to be given support to do so.
- 4.3 In the event that a Student considers that they are experiencing hate, discrimination, harassment, bullying or victimisation, they have a number of options open to them. They can disclose or make a report to The No Space for Hate Project, in the first instance, or a member of Staff who can follow the referral process online.
- 4.4 The member of Staff will follow appropriate processes, signposting the Student to the appropriate University response service; or another University service, as appropriate and if necessary.
- 4.5 Incidents of hate, discrimination, bullying, harassment or victimisation may also be reported, out of hours, directly to:
- 4.6 A disclosure involves an individual choosing to tell anyone who is part of the University community about their experience of hate, discrimination, bullying or harassment.
- 4.7 A report is the official sharing of information with a Staff member of the University regarding an incident of hate, discrimination, bullying or harassment experienced by that individual, for the purposes of initiating an investigation process by the University.
- 4.8 Personal information shared during such a disclosure will be handled in

line with the University's responsibilities under the appropriate data protection legislation, including the General Data Protection Regulation and Data Protection Act 2018 and any subsequent legislation.

- 4.9 Any investigation undertaken by the University will be on the 'Balance of Probabilities' and is conducted as a separate process to the University Complaints Procedure as defined in the Glossary to these Regulations.

## **5 Investigating a Formal Report**

- 5.1 On receipt of a formal report, where the alleged perpetrator is another student, the Student Appeals and Conduct Officer (or nominee) will process the case according to DMUK's Disciplinary Code and Procedure as described in the General Regulations.
- 5.2 Where the alleged perpetrator is a member of Staff, the Student Appeals and Conduct Officer (or nominee) will refer the case to the University's HR Directorate to conduct a further investigation.
- 5.3 Formal reports about a Head, Pro Rector, or Chief Operating Officer should be referred to the Rector. A report about the Rector should be addressed to the Chair of Governors.
- 5.4 Further information about types of behaviour that would contravene the Dignity and Respect policy, and University Disciplinary Code can be found in the Sexual Misconduct Policy and the No Space for Hate Policy.

## **6 Monitoring of the Policy**

- 6.1 The Head of Student and Academic Services will keep the implementation of this policy under review and will monitor its use through the Academic Support Office.

## **7 Personal Relationships at Work**

- 7.1 DMUK also has a Code of Conduct on personal relationships at work, which applies in circumstances where personal and professional relationships overlap.

## **8 Use of DMUK Computers/computational devices and ID**

- 8.1 Hate, discrimination, harassment, bullying or victimisation may occur online and could be considered as misuse of DMUK's computing services where this takes place using a DMUK email account or from a DMUK-provided piece of equipment or network. This includes potentially



discriminative or offensive material posted on public access websites or social networking sites. Online harassment and bullying (cyber bullying) will be dealt with under the procedures outlined above. As well as infringing the DMUK Policy on Dignity and Respect, such abuse of DMUK facilities will also breach the University's IT Regulations and may be subject to disciplinary procedure.