

Dignity and Respect Policy: Bullying and harassment between students or students and staff

Introduction

This policy can be used to help deal with any form of bullying and harassment in Open University contexts between:

- i) students experiencing bullying and harassment (all students, including elected officers and other representatives of the OU Students Association, regardless of whether or not they are a current student, who feel bullied and harassed);
- ii) staff who experience bullying and harassment by a current or former student

occurring on approved premises/locations including residential schools, tutorials, day schools, designated online spaces, and research supervision sessions and during telephone conversations.

Note that there is a separate Bullying and Harassment Policy and Code to help deal with bullying or harassment of staff by non-students, available on the [Human Resources intranet](#).

All allegations of bullying or harassment are treated seriously and thoroughly investigated. Disciplinary action may be taken in cases where bullying and harassment have been proved. Action in this regard is outlined in the [Code of Practice for Student Discipline](#) and the Bullying and Harassment Policy.

Equally, the University can take disciplinary action against anyone proved to have made a malicious allegation under this code.

Cases of alleged serious criminal offences, such as physical and sexual assault, must be immediately reported by the individual to the police. In such cases the University will take no action under this code (other than suspension, if considered necessary, under the appropriate disciplinary process) until the outcome of any criminal investigation is known. However, the University will offer appropriate support at work to protect the person making the allegation in the meantime.

Part 1 sets out the policy and Part 2 covers the procedures for making an allegation about bullying and harassment, and how these claims should be handled.

Part 1 Dignity and Respect Policy

1.1 Policy statement

The University aims to maintain a learning environment in which all members of its community [treat each other with dignity and respect](#) and in accordance with the University's [Student Charter](#). The OU attracts a diverse population with a wide range of interests and it is important to [recognise and respect](#) this. In such an environment bullying and harassment are unacceptable and not tolerated. When such incidences do occur, this policy aims to ensure that individuals feel able to deal with harassment without fear.

1.2 Scope

This policy applies to:

All students who feel bullied and harassed (all students, including elected officers and other representatives of the OU Students Association, regardless of whether or not they are a current student, who feel bullied and harassed).

Members of staff including Associate Lecturers, consultants and staff employed by contractors or service providers who feel that they have been bullied or harassed by students or former students.

1.3 Definitions

- Harassment is a form of discrimination, and where it relates to race, sex, disability, religion or belief, or sexual orientation and age is covered by anti-discrimination legislation.
- Bullying is usually identified as intimidating, hostile or humiliating treatment by one or more individuals.
- Victimisation entails threatening or detrimental treatment of an individual who has lodged or proposes to make an allegation.

Some behaviour can cause offence unintentionally; one minor incident will not constitute bullying or harassment. However, a series of incidents will do so, particularly where an individual has expressed dislike of such behaviour and/or asked for it to stop. Threatened or actual violence, or promises of special treatment in return for sexual favour are examples where one incident would be sufficient.

Examples of repeated bullying behaviours may include:

- Verbal or written abuse in emails or other forms of electronic communication, spreading rumours, using offensive language.
- Unnecessary and unwanted physical contact ranging from touching to serious assault; indecent or sexual assault.
- Displaying offensive posters or graffiti.
- Unreasonable pranks or practical jokes.
- Encouraging others to participate in bullying behaviour.
- Excluding an individual where it is not reasonable to do so.
- Interfering with another person's materials, equipment or personal effects.
- Invading an individual's personal space by, for example, repeated text messaging, emailing, and phoning.

Where/when can it happen?

- Communication (with tutor/supervisor/university/students)
- Official OU online spaces (e.g. module forums)
- With a non-medical helper (funded via the Disabled Student Allowance or otherwise)
- Learning events (in person/online)
- Residential school
- OU Student Association events
- On OU premises

Cyber bullying on external social network environments (e.g. Facebook, blogs, Twitter) should be reported to the social network platform owner.

See [Using Social Media: Policy for OU Students](#).

1.4 Rights and responsibilities

The University undertakes to communicate this policy fully to ensure that staff and students understand their rights and responsibilities. The University will also monitor incidents of harassment and bullying and the effectiveness of this policy and procedures.

Everyone has the right to study and work in an environment which is free from bullying and harassment. Everyone has a responsibility to respect the feelings and sensibilities of others, and to behave in a way which does not cause offence.

Staff and students have an important role to play in creating an environment where everyone is enabled to achieve their full potential; where mutual respect is the norm; and where harassment is unacceptable.

In particular, all academic and professional services managers and others in positions of authority are expected to promote a culture free from unacceptable behaviour. They should lead by example and identify unacceptable behaviour when it occurs, taking prompt action to stop it.

1.5 Dealing with incidences of bullying or harassment

Informal Action

In the first instance if someone feels that they are being bullied or harassed they should be encouraged and supported to try to resolve the situation informally and independently.

Formal Action

If informal resolution is not successful or possible then formal allegations should be made following the procedures in the Appendix.

1.6 Monitoring

The University will monitor the effectiveness of this policy and procedures. All analysis will be statistical and fully anonymised.

Part 2 Procedures for students and staff

2.1 Introduction

These procedures offer guidance to

- i) students experiencing bullying and harassment by another student or students or staff member; and
- ii) staff who experience bullying and harassment by a student or students, including former students.

These procedures provide a framework for dealing with allegations in order to help resolve problems quickly and informally wherever possible.

Any student, or any member of staff, who experiences bullying or harassment by a student or group of students will have the support of the University's management, and the Open University Students Association (OU Students Association) in putting a stop to it.

Support is available to manage incidents of alleged bullying and harassment for both victims and those who are alleged to have behaved offensively.

Students have a number of options for support. They include:

- Student Support Team – call or email your Student Support Team – details are available on your StudentHome profile.
- At residential school: Contact the School Director to discuss the matter as soon as possible.
- **Nightline** is a confidential listening service that students can contact to discuss concerns in total confidence with trained volunteers who are also students. It is not an advisory service.
See nightline.org.uk for availability during term times
Tel 0207 631 0101
Twitter: @LondonNightline
Email: listening@nightline.org.uk (for a reply within 48 hours)

Staff have a number of options for support. They include

- Line manager –who can provide advice on the process and/or deal with allegations on an informal basis (or where applicable on a formal basis). You should contact your **line manager** in the first instance to discuss the matter of bullying/harassment from a student; at **Residential School**, contact the School Director.
- Trade Union representative – who can advise and accompany their members to meeting which may result from an allegation under this procedure.
- Work colleague or friend employed by the University who can accompany the member of staff to meetings which may result from an allegation under this procedure.
- Student Support Team.
- Human Resources Partners/Managers – will provide advice on sources of help as appropriate. [Employee Assistance Programme](#) (EAP) provides support and counselling on behalf of the University. Tel 0800 030 5182 Username: Open Password: Uni

This policy summarises: information for employees on their employment rights; and summarises the responsibilities of the line managers in bullying and harassment situations. Detailed information on rights and responsibilities for employees and line managers are available in the Bullying and Harassment Policy and the Bullying and Harassment Code available on the [Human Resources](#) intranet.

2.2 Dignity and Respect Policy informal and formal procedures for students

If you feel that you have experienced bullying or harassment by a student or staff member:

Informal procedure

- Try to keep a record of all incidents so that you are clear about what happened, when, where, and whether anyone else was there. Such records will be particularly useful if it becomes necessary to take more formal action.
- Pursue one or more of the following options:
 - Talk to the person who is bullying or harassing you and ask them to stop.
 - Write to the person who is bullying and harassing you and ask them to stop. You should keep a copy of the letter in case further action is necessary.
 - Ask another student or a member of staff to go with you to speak to the person.
 - Ask a member of staff if he or she is prepared to take up the matter on your behalf.
 - Ask for advice, for example, from an appropriate member of staff.
- The behaviour you allege has taken place stops.
(Note: If not resolved go to [Formal procedure](#)).
- No further action is necessary but you are advised to keep a record.
- If you have informed a member of staff, they should fill in the Monitoring Form.

Formal procedure

- If your allegation cannot be resolved informally, or if you believe informal action to be inappropriate (for instance if the alleged behaviour is serious or persistent), contact the appropriate disciplinary authority (see appendix). Formal allegations should usually be made in writing
- The appropriate University officer (see Appendix), or his/her nominee, will investigate and decide whether to take further action according to the relevant disciplinary procedure.

The investigation may include asking you and anyone stated to have knowledge of the circumstances of the alleged offence to attend for interview or to submit a signed statement.

In the case of sexual harassment, where the student bringing the allegation expresses a preference for any interview with them to be conducted by a person of a particular gender, this will be accommodated wherever it is practicable.

Students making an allegation may ask another individual in whom they have confidence to accompany them to any interview.

- On the basis of interviews and statements received, the appropriate University officer will decide whether or not further action should be taken.
- The matter may be pursued following the [Code of Practice for Student Discipline](#) or the Bullying and Harassment Policy for Staff.
- If a formal allegation is upheld the sanctions that can be imposed under the appropriate disciplinary code include:
 - Exclusion of a student from future attendance at face-to-face teaching or online study-related venues or University premises, or in the most serious cases, from study with The Open University.
 - For staff, formal warning or, in the most serious cases, termination of employment.
- The Monitoring Form should be filled in by the appropriate member of staff.

In cases of alleged serious criminal offences, such as physical and sexual assault, contact the Police on Tel. 999 immediately.

2.3 Dignity and Respect Policy informal and formal procedures for staff

If you feel that you have experienced bullying or harassment by a student or staff member:

Informal procedure

- Try to keep a record of all incidents so that you are clear about what happened, when, where, and whether anyone else was there. Such records will be particularly useful if it becomes necessary to take more formal action.
 - Pursue one or more of the following options:
 - As soon as possible, speak to the student who is bullying or harassing you, tell them about the behaviour that is causing your distress and ask for it to stop. The student may be unaware that their behaviour is inappropriate or objectionable, or it may be that his/her words or actions have been misinterpreted. In such cases the misunderstanding needs to be cleared up speedily. Even when the behaviour was intentional, a swift and clear indication that it is objectionable may prove sufficient to stop it.
 - Speak to your team leader or line manager or other appropriate member of staff in authority to take the matter up on your behalf.
 - Ask a trade union representative or work colleague to go with you to speak to the student (this may be by Skype/conference call).
 - Write to the person against whom you have an allegation, being specific about what offends you, and asking for the behaviour to stop. You should keep a copy of the letter in case further action is necessary.
 - Ask a member of staff if they are prepared to take up the matter on your behalf.
- (Note: If not resolved go to [Formal procedure](#)).
- The behaviour you allege has taken place stops.
 - No further action is necessary. You should fill in the Monitoring Form.

Formal procedure

- If your allegation cannot be resolved informally, or if you believe informal action to be inappropriate (for instance if the alleged behaviour is serious or persistent), you should send your version in writing to your Line Manager or a more senior manager if your Line Manager has tried to resolve the allegation at an informal level.

You may want to contact a Team HR Partner/Manager and/or trade union representative for advice.

- The manager should refer to the appropriate disciplinary authority for investigation of the issue as quickly as possible and a timescale for dealing with the allegation should be agreed.
- On the basis of interviews and statements received, the appropriate University officer will decide whether or not further action should be taken.
- The matter may be pursued following the [Code of Practice for Student Discipline](#) for Students or the Bullying and Harassment Policy for Staff.
- If a formal allegation is upheld the sanctions that can be imposed under the appropriate disciplinary code include:
 - Exclusion of a student from future attendance at face-to-face teaching or online study-related venues or University premises, or in the most serious cases, from study with The Open University.
 - For staff, formal warning or, in the most serious cases, termination of employment.
- Your line manager or an alternative appropriate University officer should fill in the Monitoring Form.

In cases of alleged serious criminal offences, such as physical and sexual assault, contact the Police on Tel. 999 immediately.

This policy summarises: information for employees on their employment rights; and summarises the responsibilities of the line managers in bullying and harassment situations. Detailed information on rights and responsibilities for employees and line managers are available in the Bullying and Harassment Policy and the Bullying and Harassment Code available on the [Human Resources](#) intranet.

2.4 Timescales

Anyone who experiences or witnesses bullying or harassment should not wait until the situation reaches an intolerable level. It is better to try to put a stop to unwanted behaviour as soon as it occurs. If you wish to raise or report an incident, either informally or formally, it is advisable to do so as soon as possible after it has happened, because memories may fade.

Bullying and harassment issues, either informal or formal should be raised within three months of the most recent incident or incidents giving rise to the allegation; however, it is particularly important to take immediate action if an allegation involves harassment or bullying at a residential school (i.e. inform the School Director) because it is very difficult to follow-up such allegations once a school is over and the students and staff have dispersed. It is in everyone's interests that all allegations are dealt with as quickly as possible. A timescale for dealing with each allegation will be agreed and the parties involved will be kept fully informed of this.

2.5 Confidentiality

As a general principle confidentiality should be agreed and maintained. However, where a manager or member of HR believes there is an unacceptable risk to the person making the allegation, or to another person, or to the University, action will need to be taken, and absolute confidentiality cannot be maintained. Information will only be given to those who need to know. The decision as to whether an allegation should be progressed will usually rest with the person making the allegation, except where there is an unacceptable risk, e.g. threats of violence, risk of damage to health. In such circumstances it will be necessary to take action under this procedure whether or not the person making the allegation agrees. If such action is necessary the person making the allegation will be notified and kept informed.

If the person making the allegation wishes to remain anonymous it may not be possible to take any action, although the University will seek to support all individuals in the resolution of problems quickly and informally wherever possible, without fear of victimisation or retaliation. It may be possible to address such allegations through indirect methods, e.g. training initiatives, awareness-raising, publicising the Dignity & Respect Policy.

There is a need to balance individual confidentiality with the nature of risk.

2.6 Group allegations

If several people are experiencing bullying or harassment from the same source, and complain as a group, individual statements should be made. If a claim is made against several people, individual responses to allegations will be needed. Outcomes of allegations under the Dignity Policy will be advised individually and not to the group.

2.7 Accompaniment at meetings

A student may be accompanied to meetings which may result from an allegation under these procedures. This might include a fellow student or friend. In the case of a staff member, a trade union representative or a friend or colleague who is employed by the University may accompany the individual experiencing bullying or harassment to meetings. The same right to be accompanied applies to students or staff who are called as a witness and those who are accused of the bullying or harassment.

2.8 What to do if you wish to make an allegation

There are various ways in which individuals can deal with bullying or harassment. The aim should be to deal with this informally and as soon as possible unless the issue is considered serious or informal actions have not resolved the matter.

2.9 Informal allegations – your options

If you try to resolve an allegation informally, you should keep a record of all incidents so that you are clear about what happened, when, where, and whether anyone else was there. Records will be particularly useful if it becomes necessary to take more formal action.

You might take any of the following courses of action.

Students

- Talk to the person who is bullying or harassing you, tell them about the behaviour that is causing you distress, and ask for it to stop. This should be done as soon as possible.

In some cases, the person may be unaware that his/her behaviour is inappropriate or objectionable, or it may be that his/her words or actions have been misinterpreted. In such cases, the misunderstanding needs to be cleared up speedily. Even where the behaviour was intentional, a swift and clear indication that it is inappropriate may be enough to stop it.

- Ask another student or a member of staff to go with you to speak to the person.
- Write to the person who is upsetting you, being specific about what offends you, and asking for the behaviour to stop. You should keep a copy of the letter in case further action is necessary.
- Ask a member of staff if he or she is prepared to take up the matter on your behalf.
- Talk with an outside, trusted source. Following consultation you may decide to take no further action (but it might be necessary to take action even without your authority – see Confidentiality, above).

Staff

- Talk to the student who is bullying or harassing you, tell them about the behaviour that is causing your distress and ask for it to stop. This should be done as soon as possible. In some cases, the student may be unaware that his/her behaviour is inappropriate or objectionable, or it may be that his/her words or actions have been misinterpreted. In such cases the misunderstanding needs to be cleared up speedily. Even when the behaviour was intentional, a swift and clear indication that it is objectionable may prove sufficient to stop it.
- Ask a trade union representative or work colleague to go with you to speak to the student (this may be by Skype/conference call).
- Write to the person against whom you have an allegation, being specific about what offends you, and asking for the behaviour to stop. You should keep a copy of the letter in case further action is necessary.
- Ask a member of staff if he or she is prepared to take up the matter on your behalf.

Speak to your team leader or line manager or other appropriate member of staff in authority to take the matter up on your behalf.

An agreed resolution may be an acceptance that there has been a misunderstanding and an agreed protocol developed for managing student/work relations in the future.

In cases where a tutor has reported that they have experienced bullying or harassment from a student in their group, the University may take steps to ensure that the student is allocated to an alternative group.

2.10 Formal allegations

Students

If your allegation cannot be resolved informally, or if you believe informal action to be inappropriate (for instance if the alleged behaviour is serious or persistent), you will need to contact the appropriate disciplinary authority (see Appendix). Formal allegations should usually be made in writing.

Staff

This policy summarises: information for employees on their employment rights; and summarises the responsibilities of the line managers in bullying and harassment situations. Detailed information on rights and responsibilities for employees and line managers are available in the Bullying and Harassment Policy and the Bullying and Harassment Code available on the [Human Resources](#) intranet.

- A formal case needs to be made in writing to the Line Manager or a more senior manager. A trade union representative or Team HR Partner/Manager can be contacted for advice, if required. In a Residential School setting: See Appendix of Contacts.
- The signed allegation should contain the following details: when the incident(s) happened (date and time); who the allegation is being made against; the nature of the incident and specific details; where the incident happened; the names of any witnesses of the incident; any action that has already been taken. (Members of staff raising claims and students against whom allegations have been raised should not approach potential witnesses to discuss the evidence that they can give once a formal allegation has been lodged and the person against whom it has been made has been informed).
- If the line manager receiving the allegation has been involved in trying to resolve it informally, then a more senior manager should deal with the formal allegation (normally the manager's line manager).
- The line manager should refer to the appropriate disciplinary authority for resolution of the issues.

Line manager's responsibilities

- Understand and implement the policy and make every effort to ensure that bullying and harassment do not occur.
- Resolve any incidents of bullying and harassment of which they are aware. If bullying and harassment do occur, deal effectively with the situation.
- Respond sensitively and supportively to individuals who make allegations of harassment and maintain confidentiality, where appropriate.
- Act if bullying and harassment is observed. Be alert to unacceptable behaviour and take appropriate action.
- Deal with information and formal allegations as quickly as possible. A timescale for dealing with an allegation should be agreed with the individual.
- Refer the case (if the case is not being dealt with by a more senior manager) to the Head of Unit or appropriate disciplinary authority for resolution of the issue.

Senior Manager's responsibilities

- Understand and implement the policy and make every effort to ensure that bullying and harassment do not occur.
- Refer the case to relevant or appropriate disciplinary authority for resolution of the issue in accordance with University procedures.
- Deal with formal allegations as quickly as possible. A timescale for dealing with an allegation should be agreed with the individual.

Threatening behaviour and violence

If a member of staff is being subjected to threatening and/or violent behaviour outside of the work environment by a student (e.g. at their home or whilst going about their personal life), then **the member of staff should report the matter to the police directly**. They should also advise their line manager that they have taken this action. In these instances the University will fully support the police investigation in whatever way is appropriate. The University will also take whatever steps are necessary to protect the person in the work environment. Any resulting investigation utilising University procedures will be conducted under the guidance of the police.

Bullying and Harassment by former students of the University to existing members of staff

In cases where individuals who are former students allegedly bully or harass existing staff then the following action should be taken:

- The existing member of staff should ask the former student to stop bullying and harassing them using the most appropriate communication, such as a letter
- If the bullying and harassment does not stop, then the matter may be referred to their line manager who may raise the issue with a more senior manager to decide whether further action could or should be taken. The University may decide to support the member of staff in taking further action (depending on the circumstances of the bullying and harassment).
- Each case would be looked at individually and the role of the University would be to support the member of staff in taking appropriate action, rather than taking action on behalf of the member of staff.
- Should the member of staff wish for continued support from the University, they may be required by the University to look at other external options to stop the bullying and harassment, such as an injunction or civil/criminal proceedings.

2.11 If someone complains to you about being bullied or harassed

Someone who is experiencing bullying or harassment and is unable or unwilling to take the appropriate action, may talk to you about it. In these circumstances you should respect the confidence placed in you and give any support you can. You cannot take action on that person's behalf unless they explicitly ask you to.

2.12 If you witness harassment

You have a right to learn and work in an environment free from bullying and harassment. If you witness bullying or harassment you can complain on your own account. This would also apply to any perceived harassment of a more general nature, such as public disparagement of a group.

3. What the University will do in response to an allegation of bullying or harassment

Whilst an allegation is under investigation, the University will make temporary arrangements to protect the person making the allegation, which may include:

- Arranging for a move to a different tutor group / cluster, if they are in the same group as the person against whom the allegation is made.
- Arranging for a move to a different group at a residential school, if appropriate.

If the allegation is upheld, the University will consider which temporary steps need to be made permanent, and what other steps should be taken, in order to protect the person making the allegation.

3.1 University response to informal allegations

If a member of staff is asked to take informal action, the following steps will be taken.

- The member of staff will contact the person against whom the allegation has been made as soon as possible, explaining the nature of the allegation, and who has made it. The person will be given the opportunity to respond (any written allegation or written response will be made available to both parties). If he/she acknowledges that the inappropriate behaviour has taken place, the situation will be monitored to ensure no reoccurrence. He/she will also be given a copy of this policy and advised of the procedure that would be followed if a formal allegation were to be made, or if there were to be a reoccurrence of the inappropriate behaviour.
- If, after separate discussions with the parties involved, it is clear that there are differing views and perceptions of the situation, the member of staff may arrange to meet both parties together. Where this meeting does not lead to clarification or reconciliation, and the matter remains unresolved, the member of staff may consult any witnesses to clarify the situation. Where the member of staff decides that there is substance to the allegation the alleged person will be asked to ensure no future reoccurrence, and the situation will be monitored. Support, guidance and/or counselling will be offered as appropriate.
- The member of staff will lodge a record of action taken, as detailed in Records – see Section 6.

3.2 University response to formal allegations

The appropriate University officer (see Appendix), or his or her nominee, will investigate all formal allegations of bullying and harassment to decide whether to take further action in accordance with the relevant disciplinary procedure. The investigation may include asking the person lodging the allegation and anyone stated to have knowledge of the circumstances of the alleged offence to attend for interview or to submit a signed statement.

In the case of sexual harassment, where the person bringing the allegation expresses a preference for any interview with them to be conducted by a person of a particular gender, this will be accommodated wherever it is practicable to do so to minimise any feelings of embarrassment. Persons lodging an allegation may ask to be accompanied to any interview by a trusted individual such as a friend, adviser or representative.

On the basis of interviews and statements received, the appropriate University officer will decide whether or not further action should be taken. The disciplinary procedures under which further action can be taken are designed so that the University can fulfil its obligations:

- To the person lodging the allegation – to take the matter seriously, to investigate the allegation thoroughly and, if it is proved, to take swift and effective action to prevent a recurrence.
- To the person against whom the allegation is made – to investigate impartially, to make sure that the person has the opportunity to be represented, and to give a clear account of the allegation so that a case can be stated and witnesses can be called or cross-examined.

At any time during formal procedures, action may be taken by the line manager (for example, a move to another tutorial group) to support academic progress of the person lodging the allegation.

3.3 Action that can be taken as a result of a formal allegation

If a formal allegation is upheld after thorough investigation of the facts the sanctions that can be imposed under the appropriate disciplinary code include:

- **For students:** Exclusion from future attendance at tutorial centres, residential schools or University premises or, in the most serious cases, from study with The Open University.
- **For staff:** A formal warning or, in the most serious cases, termination of employment

3.4 Outcomes

The parties to an allegation of harassment or bullying will be notified individually of the final outcome of any investigation. Any actions taken under the [Code of Practice for Student Discipline](#) or another code will be communicated in accordance with that policy.

4. Records

4.1 Record of action

Where action is taken under this code, records will be held as follows for students or staff:

- Where an allegation is found to have no substance no record will be kept unless the individual against whom the allegation has been made asks for a record to be made. In this case records will be kept by the relevant disciplinary authority for three years after the investigation is closed.
- Where it is accepted by the person against whom the allegation has been made that there is substance to the allegation, a record will be kept by the relevant disciplinary authority for a period of three years of any correspondence relating to the allegation and the outcome. At the end of this period, provided no further allegations of harassment have been made and found to have substance, the record will be removed from the file and may not be referred to again.
- Where it is determined by the relevant disciplinary authority that there is substance to the allegation, a record will be kept for a period of three years of any correspondence relating to the allegation and the outcome. At the end of this period, provided that no further allegations of harassment have been made and found to have substance, the record will be removed from the file and may not be referred to again.

- Where it is not possible to decide whether there is any substance to the allegation, a record of correspondence relating to the allegation, the action taken to review the allegation, and any statements from the person who lodged the allegation and the alleged perpetrator, will be held for a period of three years on a separate confidential file in the offices of the appropriate disciplinary authority (see [Appendix 1](#)). At the end of this period the record will be removed from the file and the incident will not be referred to again.
- Paperwork for bullying and harassment investigations will be held, for a period of three years, as evidence should any further action be taken.

4.2 Victimisation

Victimisation or retaliation as a result of action being taken under this code is unacceptable and may lead to disciplinary action.

4.3 Appeals

Anyone who considers that they have been unfairly treated in terms of this code can write to the University's [Student Casework Office](#) and request that their case be referred to the Director of Academic Services. All staff appeals must be sent to the University Secretary.

4.4 Monitoring

In order to evaluate the effectiveness of this code, the University wishes to monitor the level and kinds of problems that occur. For that purpose any member of staff who is approached by a student or member of staff who claims to have been bullied or harassed should complete a copy of the Monitoring Form at the end of this code and return it to the Secretary, Office of the Director, Academic Services for statistical analysis. The Monitoring Form should not contain names.

The Monitoring Form can be filled in once the final outcome of a case has been confirmed and the case closed.

Nothing in this code will prevent members of staff or students from exercising their legal rights.

N.B. Please note that no changes should be made to this policy without consulting with the owner of the student Staff Bullying and Harassment Policy and Code, available on the [Human Resources](#) intranet.

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Appendix 1 : Contacts / Disciplinary or Executive Authorities

An allegation against the person listed as the informal contact should be made direct to the appropriate Disciplinary Authority. If an allegation is against the Disciplinary Authority the contact for advice/informal action will, if necessary, request the Director, Academic Services to take action in his/her place.

If the person reporting the allegation is not satisfied with the response received from the appropriate Disciplinary Authority then they can consider taking the matter to the [Student Casework Office](#) (for students) or the [University Secretary](#) (for staff).

- **Residential Schools:** If an allegation has not been resolved by the end of the school, the Director Access, Careers and Teaching Support will assume responsibility for passing information to the student's National/Depute Director(s/Assistant Director, Academic Services) and, if more than one National/Depute Director/Assistant Director is involved, fulfilling a co-ordinating role, if required.
- **Examinations:** If an allegation has not been resolved at the end of the examination, the Director of Assessment, Credit and Qualifications will assume responsibility for passing information to the student's National Director(s/Assistant Director, Academic Services) and, if more than one National/Depute Director/Assistant Director is involved, fulfilling a co-ordinating role, if required.

Table 1: Disciplinary or Executive Authorities contact for Students

Activity covered	Contact for advice/informal action	Disciplinary or Executive Authority for students
All activities engaged in by research students	Head of Research Degrees Team	Chair of the Research Degrees Committee
Relationships with tutors	Tutor's line manager	Student's National/Depute Director/Assistant Director, Academic Services (National/Depute Director (for national centres in Scotland, Ireland and Wales) and Assistant Director, Academic Services (for England))
Tutorials, day schools and similar events	Tutor's line manager	Most senior member of OU staff present at the event (reporting to student's National Director/Assistant Director, Academic Services)
Residential schools	Residential school learning adviser	School Director reporting to student's National Director/Assistant Director, Academic Services
Electronic conferences moderated by OU Students Association	Conference moderator	President of OU Students Assoc. (reporting through LTI to the student's National/ Depute Director/Assistant Director, Academic Services)
Electronic conferences moderated by members of OU staff	Conference moderator	Director of LTI (reporting to student's National/Depute Director/Assistant Director, Academic Services)
Examinations	Invigilator	Senior invigilator reporting to the student's National/Depute Director/Assistant Director, Academic Services
OU Students Association events	Most senior OU Students Association officer present at the event or OU Students Association President	OU Students Association President (reporting to the student's National/Depute Director/Assistant Director, Academic Services)

Table 2: Disciplinary or Executive Authorities contact for Staff

Activity covered	Contact for advice/informal action	Disciplinary or Executive Authority for staff
All activities engaged in by research students	Line manager	Head of Unit
Relationships with tutors	Senior line manager	Head of Unit
Tutorials, day schools and similar events	Line manager	Head of Unit
Residential schools	School Director	Director of ACTS or nominee
Electronic conferences moderated by OU Students Association	Conference moderator	OU Students Association President
Electronic conferences moderated by members of OU staff	Conference moderator	Head of Unit
Examinations	Invigilator	ACQ
OU Students Association events	Most senior OU Students Association officer present at the event or OU Students Association President	OU Students Association President

Appendix 2 : Summary of 2.2 Dignity and Respect Policy informal and formal procedures for students

Dignity and Respect Policy

Informal and formal procedures

2.2

STUDENTS

If you feel that you have experienced bullying or harassment by a student or staff member:

Informal procedure

Try to keep a record of all incidents so that you are clear about what happened, when, where, and whether anyone else was there. Such records will be particularly useful if it becomes necessary to take more formal action.

Pursue one or more of the following options:

- Talk to the person who is bullying or harassing you and ask them to stop.
- Write to the person who is bullying and harassing you and ask them to stop. You should keep a copy of the letter in case further action is necessary.
- Ask another student or a member of staff to go with you to speak to the person.
- Ask a member of staff if he or she is prepared to take up the matter on your behalf.
- Ask for advice, for example, from an appropriate member of staff

The behaviour you allege has taken place stops.

No further action is necessary but you are advised to keep a record.

If you have informed a member of staff, they should fill in the Monitoring Form.

In cases of alleged serious criminal offences, such as physical and sexual assault, contact the Police on Tel. 999 immediately.

Formal procedure

If your allegation cannot be resolved informally, or if you believe informal action to be inappropriate (for instance if the alleged behaviour is serious or persistent), contact the appropriate disciplinary authority (see appendix). Formal allegations should usually be made in writing

The appropriate University officer (see Appendix), or his/her nominee, will investigate and decide whether to take further action according to the relevant disciplinary procedure.

The investigation may include asking you and anyone stated to have knowledge of the circumstances of the alleged offence to attend for interview or to submit a signed statement.

In the case of sexual harassment, where the student bringing the allegation expresses a preference for any interview with them to be conducted by a person of a particular gender, this will be accommodated wherever it is practicable.

Students making an allegation may ask another individual in whom they have confidence to accompany them to any interview.

On the basis of interviews and statements received, the appropriate University officer will decide whether or not further action should be taken.

The matter may be pursued following the Code of Practice for Student Discipline or the Bullying and Harassment Policy for Staff.

If a formal allegation is upheld the sanctions that can be imposed under the appropriate disciplinary code include:

- Exclusion of a student from future attendance at face-to-face teaching or online study-related venues or University premises, or in the most serious cases, from study with The Open University
- For staff, formal warning or, in the most serious cases, termination of employment

The Monitoring Form should be filled in by the appropriate member of staff.

If not resolved

Appendix 3 : Summary of 2.3 Dignity and Respect Policy informal and formal procedures for staff

Dignity and Respect Policy

Informal and formal procedures

2.3

STAFF

If you feel that you have experienced bullying or harassment by a student or staff member:

Informal procedure

Try to keep a record of all incidents so that you are clear about what happened, when, where, and whether anyone else was there. Such records will be particularly useful if it becomes necessary to take more formal action

Pursue one or more of the following options:

- As soon as possible, speak to the student who is bullying or harassing you, tell them about the behaviour that is causing your distress and ask for it to stop. The student may be unaware that their behaviour is inappropriate or objectionable, or it may be that his/her words or actions have been misinterpreted. In such cases the misunderstanding needs to be cleared up speedily. Even when the behaviour was intentional, a swift and clear indication that it is objectionable may prove sufficient to stop it.
- Speak to your team leader or line manager or other appropriate member of staff in authority to take the matter up on your behalf
- Ask a trade union representative or work colleague to go with you to speak to the student (this may be by Skype/conference call).
- Write to the person against whom you have an allegation, being specific about what offends you, and asking for the behaviour to stop. You should keep a copy of the letter in case further action is necessary.
- Ask a member of staff if they are prepared to take up the matter on your behalf

The behaviour you allege has taken place stops.

No further action is necessary. You should fill in the Monitoring Form.

In cases of alleged serious criminal offences, such as physical and sexual assault, contact the Police on Tel. 999 immediately

This policy summarises: information for employees on their employment rights; and summarises the responsibilities of the line managers in bullying and harassment situations. Detailed information on rights and responsibilities for employees and line managers are available in the Bullying and Harassment Policy and the Bullying and Harassment Code available on the Human Resources intranet.

Formal procedure

If your allegation cannot be resolved informally, or if you believe informal action to be inappropriate (for instance if the alleged behaviour is serious or persistent), you should send your version in writing to your Line Manager or a more senior manager if your Line Manager has tried to resolve the allegation at an informal level.

You may want to contact a Team HR Partner/Manager and/or trade union representative for advice.

The manager should refer to the appropriate disciplinary authority for investigation of the issue as quickly as possible and a timescale for dealing with the allegation should be agreed.

On the basis of interviews and statements received, the appropriate University officer will decide whether or not further action should be taken.

The matter may be pursued following the Code of Practice for Student Discipline for Students or the Bullying and Harassment Policy for Staff.

If a formal allegation is upheld the sanctions that can be imposed under the appropriate disciplinary code include:

- Exclusion of a student from future attendance at face-to-face teaching or online study-related venues or University premises, or in the most serious cases, from study with The Open University
- For staff, formal warning or, in the most serious cases, termination of employment.

Your line manager or an alternative appropriate University officer should fill in the Monitoring Form.

If not resolved

Summary of changes

July 2017

1. Policy title changed from Student Code for Dealing with Bullying and Harassment to Dignity and Respect Policy: Bullying and harassment between students or students and staff.
2. Introduction amended to include students including elected officers and other representatives of the OU Students Association, regardless of whether or not they are a current student, who feel bullied and harassed, and staff.
3. Section 2.2: Suggested sources of support for students amended.
4. Section 2.10: Inclusion of Bullying and Harassment by former students of the University to existing members of staff
5. Appendix 1 : Contacts / Disciplinary or Executive Authorities contains separate tables of contacts for students and staff.
6. Appendix 2 : Summary of 2.2 Dignity and Respect Policy informal and formal procedures for students flowcharts added

Dignity and Respect Policy: Bullying and harassment between students or students and staff

Monitoring form

To be completed by member of staff approached by a student or member of staff experiencing bullying and harassment.

The purpose of the form is to provide anonymous information about claims of bullying and harassment made by

- i) students experiencing bullying and harassment by another student or students or staff member; and
- ii) staff who experience bullying and harassment by a student or students, including individuals who are not students of the university

under the Dignity and Respect Policy.

The information will be used for monitoring the overall level and nature of allegations of bullying and harassment within the University and the production of an annual report.

Please tick appropriate boxes. Do not include names of individuals against whom the allegations have been made.

1.	Indicate your own staff category	
	Associate Lecturer <input type="checkbox"/>	Central Administrative Staff <input type="checkbox"/>
	Regional Academic Staff <input type="checkbox"/>	Regional Administrative Staff <input type="checkbox"/>
	Central Academic Staff <input type="checkbox"/>	Other (indicate) <input type="text"/>
	Signed: <input type="text"/>	Date: <input type="text"/>
	Print name: <input type="text"/>	Email: <input type="text"/>

2.	Indicate the staff category of anyone with whom the allegation has already been discussed	
	Associate Lecturer <input type="checkbox"/>	Central Administrative Staff <input type="checkbox"/>
	Regional Academic Staff <input type="checkbox"/>	Regional Administrative Staff <input type="checkbox"/>
	Central Academic Staff <input type="checkbox"/>	Other (indicate) <input type="text"/>

3.	Indicate the status of the person or persons complained against	
	Student <input type="checkbox"/>	Central Administrative Staff <input type="checkbox"/>
	Associate Lecturer <input type="checkbox"/>	Regional Administrative Staff <input type="checkbox"/>
	Regional Academic Staff <input type="checkbox"/>	Other (indicate) <input type="text"/>
	Central Academic Staff <input type="checkbox"/>	

4.	Situation in which the alleged bullying or harassment took place			
	On-line conference	<input type="checkbox"/>	Telephone conversation	<input type="checkbox"/>
	Tutorial or day school	<input type="checkbox"/>	Email	<input type="checkbox"/>
	Study group	<input type="checkbox"/>	Other (indicate)	
	Letter	<input type="checkbox"/>		
	Residential school	<input type="checkbox"/>		

5.	Nature of the alleged bullying or harassment			
	Physical contact	<input type="checkbox"/>	Exclusion	<input type="checkbox"/>
	Verbal abuse	<input type="checkbox"/>	Coercion	<input type="checkbox"/>
	Pestering	<input type="checkbox"/>	Obscenity	<input type="checkbox"/>
	Patronising	<input type="checkbox"/>	Other (indicate)	
	Intrusion	<input type="checkbox"/>		

6.	Content of alleged verbal bullying or harassment, if applicable			
	Sexual	<input type="checkbox"/>	Physical characteristics	<input type="checkbox"/>
	Cultural	<input type="checkbox"/>	Physical abilities	<input type="checkbox"/>
	Racial	<input type="checkbox"/>	Intellectual abilities	<input type="checkbox"/>
	Religious	<input type="checkbox"/>	Other (indicate)	
	Political	<input type="checkbox"/>		

7.	Outcome			
	No action taken at student's request	<input type="checkbox"/>	Other (indicate)	
	Resolved following informal action	<input type="checkbox"/>		
	Referred to my line manager	<input type="checkbox"/>		
	Referred to appropriate National	<input type="checkbox"/>		
	Director/Assistant Director, Student Services	<input type="checkbox"/>		

8.	Additional comments if any

Send this form to:

Secretary
Office of the Director, Academic Services
The Open University
Walton Hall Milton Keynes MK7 6AA