

Student Complaint Procedure (Individuals & Behaviour)

1. Scope and Purpose

1.1 All students have the right to study and to feel safe in an environment which is free from harassment and bullying. This policy has been written to support the development of a learning environment (including online learning) in which harassment and bullying are unacceptable and the understanding of this is such that students have the confidence to complain, without fear of reprisal or recrimination, in the knowledge that their concerns will be dealt with seriously, appropriately and fairly.

1.2 This procedure sets out how the University will deal with incidents of bullying and harassment by student members of the University community.

1.3 More specifically, the objectives of the Policy are to:

- Enable students to identify and understand what harassment and bullying are;
- Provide a framework for handling complaints of harassment and/or bullying against students; and
- Ensure all incidents are dealt with in a consistent, fair and appropriate manner.

2. Durham University's Commitment

2.1 The Wider Student Experience Strategy adopted by Council in July 2020 describes the “unacceptable behaviours that have been exhibited by a minority in recent years” and asserts that “the University in any shape or form”. The Commission on Respect, Values and Behaviours in 2019-20 found that bullying and harassment were frequently experienced by students and not sufficiently controlled by existing procedures. The Wider Student Experience Strategy therefore set the University a strategic goal of “Embedding Responsibility and Respect”, under which “the University will foster a student culture that places a universally high value on respect and concern for others”. This revised Policy and Procedure is one step in the achievement of that strategic goal.

University community to achieve an inclusive and supportive environment, free from discrimination and to promote good relations between all people.

3.2 All students have a personal responsibility to behave in a way that is not offensive to others and to acknowledge that views and opinions held by others may not always coincide with their own. Such differences of opinion are unlikely to constitute harassment.

3.3 Where possible, students should discourage harassment and bullying by making it clear that they find such behaviour unacceptable.

3.4 Each student

marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation, it is unlawful discrimination under the Equality Act 2010³.

4.4 Students may be subject to harassment and thus have a right to make a complaint even if the harassing behaviour is not directed at them personally, but instead at another student or member of staff.

4.5 It is recognised that differences in attitude, background and culture can often mean that what is perceived by one individual as harassment or bullying may not necessarily be perceived in the same way by another. It should be noted therefore, that when deciding whether bullying or harassment has occurred, the impact on the individual and whether the behaviour breaches the values and standards of the University will be the focus, rather than motive or intent. The values and standards of the University are outlined in the Student Pledge ([Student pledge - Durham University](#)).

4.6 Harassment or bullying can therefore, be verbal and non-verbal, face to face or online. The following provides examples but is not an exhaustive list:

- Verbal abuse.
- Insulting behaviour or personal insults.
- Sexist jokes, racist jokes, or jokes about an individual's sexual orientation, gender identity, disability, religion or belief or age.
- Behaviour which incites racial hatred, e.g., wearing racist insignia or badges.
- Offensive written or computer-generated material, including the use of social media or email.
- Unreasonable, unfair or of

duties / responsibilities.

- Intrusion by pestering, spying or stalking.
- Ridicule, isolation or exclusion from everyday social interaction or activities.

4.7 In some instances, harassment and bullying may be potentially considered as sexual misconduct and violence. Please also refer to the University's Sexual Misconduct and Violence Policy and Procedure for students.

4.8 Any difficulty in defining harassment or bullying should not deter students from seeking support or complaining of behaviour which causes them distress. They should also not be deterred because of embarrassment or fear of intimidation.

4.9 The University will respect the sensitivity of complaints of harassment or bullying, and their consequences, and will treat any complaint with the utmost confidentiality and in line with the provisions of the Data Protection Act. Complaints will not normally be taken further than the Reporting Party wishes.

5. Advice and Support

5.1 The University provides a range of support for students who feel they have been subject to harassment or bullying. It is recommended that students seek advice and support in the first instance.

5.2 This can be done in a number of ways:

Students' Union

Independent support is available to students through the Durham Students' Union Advice Service. They provide one-to-one support, advice and guidance on addressing issues informally or making a complaint under the Policy, and can provide support and advocacy to someone who is accused under the Policy. The Students' Union can also facilitate mediation between students or student groups where difficulties have arisen.

Report & Support Online Tool

Students can make reports of bullying and harassment through the Report ~~10d(u)6 (l)6 (y)4~~

Bullying and Harassment Support Advisors Network

The University operates a network of Bullying and Harassment Support Advisors who can be approached by students. The Advisors can be contacted directly (

notes etc.

6.2.2 In some less serious cases speaking to, or writing a letter to, the person concerned to let the person know that the behaviour is unacceptable, can be sufficient to remedy the situation and prevent any repeat of the unacceptable behaviour. For

- Situation mutually resolved; or
- Complaint founded.

6.3.6 Where a complaint is deemed by the University to be founded, but the University considers action short of formal disciplinary action to be appropriate in order to reach a suitable resolution, the University may request either or both of the following:

- The person against whom the complaint was made to offer a written apology to the student; and/or
- The person against whom the complaint was made to undertake additional training or personal counselling to ensure repeats of such behaviour shall not occur in the future.

6.4 Formal Stage Two

6.4.1 If it is determined by the University that Stage One has not resolved the situation or the incident under investigation involves non-sexual physical violence, the complaint will be investigated under Stage Two of the process. The [complaint form](#) is available on the Student Conduct Office webpages. Students should aim to provide as much information as possible of the events complained of, any supporting information and, where possible, a clear indication of the outcome sought.

6.4.2 The Student Conduct Office will acknowledge receipt of the complaint within 7 days. The Student Conduct Office will determine who should conduct an investigation. The Investigating Officer will be an appropriate and trained senior member of the University.

6.4.3 Investigating Officers will act promptly and tactfully, observing appropriate levels of confidentiality at all times.

6.5 Initial Review Meeting

6.5.1 Before any action is taken by the University, the Reporting Party will be asked to attend an initial meeting with a case manager, during which the procedure for investigations will be explained and the details of the report will be confirmed. If the Reporting Party is unwilling for the Responding Party to be informed of the allegation against them, the investigation cannot proceed.

h) Informing the Responding Party of the Report and the procedure for remote investigations and providing them with the option to participate in a remote investigation.

6.5.8 The Student Conduct Office will be responsible for ensuring that any decisions or recommendations made at the IRM are recorded and acted upon.

6.5.9 The risk assessment and any precautionary measures that are put in place will be reviewed regularly and amended as appropriate. Additional review meetings may be convened by the HoSC as they believe necessary.

6.5.10 Where either the IRM or the HoSC determines that an alleged incident should not be considered under this procedure, the Student Conduct Office

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6.6.4 The Investigating Officer may hold additional meetings or consult with additional parties as necessary to reach a decision. The Investigating Officer will subsequently write to all parties, advising of the outcome of the investigation.

6.6.5 It is expected that the formal stage of this procedure will then be completed.

6.7 Outcomes

6.7.1 In all cases the Investigating Officer will make a judgement as to whether bullying and /or harassment has occurred and if so whether the behaviour in question was intended to cause harassment or whether the Responding Party could reasonably be expected to know that the behaviour would cause harassment. Having reached this decision, the outcome of this investigation may be:

- Complaint not founded – in such an instance the case would be dismissed and no further action taken.
- Complaint founded – if this is the case, the Investigating Officer will propose further action.

6.7.2 Where the Investigating Officer considers the misconduct is of c Where the investigation

[procedure for students to complain about the behaviour of members of staff.](#)

8. Review Request

8.1 If either the Reporting Party and/or the Responding Party are dissatisfied with the outcome of the investigation, or either believes the matter has not been handled fairly or properly in accordance with the Policy, they will be given the opportunity to request a review.

8.2 A review request must be made in writing to the Student Conduct Office within 10 working days of receipt of the outcome.

8.3 The Party making the request will be asked to state the grounds of the review request, and the right to review will only be granted if there is evidence of the following:

- a) Procedural irregularity.
- b) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation.
- c) The sanction imposed was disproportionate to the offence.

8.4 The Student Conduct Office will identify a senior officer, independent of the case to undertake the review. The case will be reviewed on the basis of the documentation provided by the Reporting Party and that held by the original Investigating Officer. The Reviewer may decide to seek further information if necessary.

8.5 The Reviewer may then decide to take action as follows:

- a) Uphold the original decision.
- b) Refer the case back to the Investigator to reinvestigate in light of new evidence or in a procedurally correct manner. This may involve the reallocation of the case to an Investigator who had no prior involvement in the case.

8.6 The review requester will be informed of the outcome of the review request within 28 days of receipt. The decision of the review request is final.

8.7 Once all internal processes have been exhausted, a student may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if the student remain dissatisfied with the University's decision. Further information is

available on the OIA website (www.oiahe.org.uk).

Owner: Student Conduct Office

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Approved by Council

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Approved by Senate

Contact for further information: Student Conduct Office
(student.cases@durham.ac.uk)

1 www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied

2 www.legislation.gov.uk/ukpga/1997/40/contents

3 www.legislation.gov.uk/ukpga/2010/15/contents