

Dignity at Study and Work: procedures

A. Overview

1. Any cases of harassment, sexual misconduct, discrimination and bullying will be taken very seriously by the College and, where necessary, the appropriate procedure will be used to investigate allegations.
2. Proven cases of harassment or sexual misconduct, discrimination or bullying will be treated as a disciplinary offence, with action taken up to and including dismissal for staff members or expulsion for students.
3. Making false or unsubstantiated allegations with malicious intent could, if proven, lead to disciplinary action being taken, up to and including dismissal or expulsion.
4. In some circumstances it may be appropriate to remove an individual from the situation. For staff members, this may include the reassignment of tasks. Where there is a serious allegation, an individual may be suspended from work during an investigation. Similarly, a student may be suspended from their studies or excluded from access to the campus or part(s) of the campus.
5. The College recognises that there may be situations that are appropriately resolved through informal discussion. However, all students and staff are entitled at any time to use these formal procedures in order to raise a concern or report an incident of unacceptable behaviour.
6. At any stage in this procedure the reporting party and the respondent can be accompanied by a fellow student or staff member. If the reporting party or respondent is a member of staff, he/she may be accompanied by a trade union representative or work colleague.
7. Every effort should be made to keep the matter confidential to those who are directly involved.
8. These procedures should be read in conjunction with the Dignity at Study and Work policy, and the definitions included there.
9. In the following sections:
 - the person making a disclosure or a formal report of unacceptable behaviour is referred to as 'the reporting party';
 - the expression 'respondent' refers to an individual against whom an allegation of harassment, sexual misconduct, discrimination, bullying or otherwise unacceptable behaviour has been made.

B. Training and Support

10. Mandatory training is provided for students and staff, to support understanding of the policies and procedures.
11. The College is committed to appropriately supporting students and staff at all points in response to incidents of harassment, sexual misconduct or other unacceptable behaviour. This includes providing support for those who have alleged and/or experienced such incidents, as well as for actual or alleged perpetrators.
12. Support can normally be accessed via Student Welfare for students and line managers for staff members. However, any member of the College Safeguarding Team or external agencies can also be contacted, if for whatever reason the normal support routes are not suitable.

C. Disclosure and Reporting

13. Incidents of harassment, sexual misconduct, discrimination, victimisation, bullying or exclusion should be disclosed and reported as soon as possible. It is accepted that it will not always be possible to report the matter straight away; however, disclosures should be made as soon as possible in order to ensure that appropriate action can be taken before recollections fade and any evidence may no longer be available.
14. Incidents can be reported using the 'Disclosure Form', which can be downloaded from the College's single comprehensive source of information, on its public website. Students should report incidents to Student Welfare; staff members should report incidents to their line manager. Alternatively, allegations can be reported to a member of the College Safeguarding Team.
15. Incidents can also be disclosed to a trusted member of staff, who can support the reporting party in making a report.
16. The following information should be included in the Allegation Report:
 - persons involved;
 - date of incident(s);
 - location;
 - time;
 - nature of incident(s);
 - brief summary of the incident(s) including any witnesses involved.

D. Procedure

17. As a general principle, the decision about whether to progress with a Formal Report is up to the reporting party. Once a disclosure has been made, the reporting party will be made aware of their option to follow the formal procedures outlined below. However, the College

also has a duty to protect all staff and may pursue the matter independently if it considers it appropriate to do so.

18. The procedures below relate to internal procedures undertaken by the College. However, the College does not act as police or a court of law. If the nature of the allegation includes serious and/or criminal matters, these will be referred to other authorities as appropriate.

Informal Procedure

19. Reporting parties are advised to talk to someone they can trust. This may be a member of staff or fellow student, perhaps someone outside the College or a family member or friend. The issues can also be discussed with the Welfare Officer. The process of talking through what has happened with someone else can help to determine what action to take to stop it happening.
20. The reporting party may feel able to tell the person who is harassing, discriminating, victimising, bullying, potentially committing sexual misconduct or excluding them to stop, either by talking or writing to them. Sometimes it is enough just to explain to the person what is unwanted about their behaviour and why it is unacceptable. This is often very difficult to do and the reporting party may prefer to be accompanied by a staff member or a fellow student.
21. If it is not possible to do this personally, the reporting party may request someone else to approach the respondent on their behalf. If the reporting party feels unable to speak to the person concerned, this does not imply that they have accepted the harassment, discrimination or bullying, nor will it prejudice any allegation or complaint which they may bring.

Mediation

22. Mediation is an informal, voluntary and confidential process which can help the reporting party and the respondent to explore the issues presented.
 23. Mediation can be requested at any stage, as an alternative to the informal stage or as the next step in situations where informal procedures have failed to bring a resolution. It could also be used at any point during the formal procedure, in which case the formal procedure will be halted pending the outcome of the mediation.
 24. Mediation offers a less adversarial alternative to the formal stages of this procedure and can resolve some complaints quickly by empowering those involved to identify how they wish to resolve the issues, with a greater focus on restoring communication.
 25. If the reporting party or respondent wishes to use mediation they can contact the person to whom they have reported their allegation.
 26. If the case is suitable for mediation, a mediator will be assigned to the case. Arrangements will then be made for the participants to meet with the mediator to explore the process as a possible way forward.
 27. If both parties agree to mediation, a joint session, facilitated by the mediator, will be
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arranged.

28. If either party does not agree to mediation taking place, or a session does not lead to an agreed resolution, the mediator will make both parties aware of the further options available to them. The College may also deem that mediation is not appropriate given the nature or circumstances of the allegation.

Formal procedure

29. If it has not been possible to resolve the matter informally or through mediation, or if it is not appropriate to seek to resolve the alleged unacceptable behaviour using less formal approaches, a formal procedure will be activated. This can be activated without any informal procedure taking place.
30. The allegation will be investigated by at least two Investigating Officers. Investigating Officers will be appointed by the Senior Leadership Team of the College in consultation with the staff member who received the allegation. Both Investigating Officers should be independent of both reporting party and respondent.
31. The Investigating Officers will be responsible for gathering information to allow them to reach a conclusion. The scope of the investigation is at the discretion of the Investigating Officers. Investigations will be undertaken as quickly as possible, in confidence, and will normally begin within 10 working days of receipt of the formal allegation.
32. The reporting party will be asked to attend a meeting with the Investigating Officers, during which the procedure will be explained and discussed and the details of the allegations will be confirmed. Reporting parties will be informed of their right to be accompanied. A written record of the meeting will be maintained, which will be agreed by the reporting party as an accurate description of the circumstances.
33. The Investigating Officers may, at this initial stage, determine that there is no substance to the allegation, in which case the formal procedure will cease and the reporting party will be informed. In this event, the reporting party may seek a review of the Investigating Officers' decision (see note 46).
34. Where the Investigating Officers agree that further investigation is appropriate, the respondent will be informed of the substance of the allegation against them and asked to attend a meeting.
35. Prior to the meeting details of the policy and the support mechanisms available to them will be provided. Respondents will be informed of their right to be accompanied. During the meeting, the respondent will be given the opportunity to respond to the details of the allegation.
36. The Investigating Officers may consider suspending the respondent on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.
37. The Investigating Officers may require relevant witnesses to attend interviews. Comprehensive notes of any interviews will be made and will be signed by the interviewee as accurate and reflecting the discussion. The interviewee may make any

written comments about any section of the notes with which they do not agree. Copies of the signed notes, with any comments, will be retained by both the interviewee and the Investigating Officers.

38. On the basis of interviews and statements received and any other relevant evidence, the Investigating Officers will reach a decision on the allegation.
39. The Investigating Officers will compile a report of the investigation and outcome.
40. All parties will be informed individually in writing of the decision and reasons for the decision will be given.
41. If the Investigating Officers conclude that the conduct of the staff member or student against whom the allegation was made does constitute misconduct, then the matter will be referred for consideration under the appropriate disciplinary procedures.
42. Specifically, where the respondent is a member of staff, action will be considered in accordance with the appropriate staff disciplinary procedures.
43. Any member of staff or student who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action.
44. It is expected that the formal procedure should normally be completed and a written response provided within 20 working days of the receipt of a formal allegation. Where, for reasons of complexity or for other good reason, it is not possible to complete the formal procedure within this timescale, the parties will be kept informed.
45. Whether or not an allegation is proven, the College will consider how best to manage any ongoing relationship between the reporting party and the alleged perpetrator. It may be appropriate to arrange mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

Review

46. If, once a final decision on an allegation has been given, either party believes that the matter has not been handled fairly or properly in accordance with these procedures, they can request a review by writing to the Principal within 10 working days of receipt of the outcome. If the original allegation was against the Principal or if they have been involved in the investigation, the request for a review should be submitted to another member of the Senior Leadership; if all of the latter have been involved in the investigation, the request for a review should be submitted to the Chair of the Cliff College Committee.
47. The request for review should include details of why the individual is dissatisfied with the way the case has been handled or they believe that the outcome is not reasonable and what resolution is sought. Copies of correspondence exchanged during the preceding stages and any other relevant papers should also be included.
48. The Principal, or other member to whom the request for review was submitted, will determine whether they should undertake the review or whether it should more appropriately be considered by another member of the senior leadership or Cliff College Committee. The person undertaking the review is hereafter referred to as the 'Review

Officer’.

49. The Principal, or other member to whom the request for review was submitted, will acknowledge receipt of the request for a review in writing within five working days and will confirm who will be undertaking the review.
50. The Review Officer will then review the case on the basis of the documentation provided by the reporting party and that held by the Investigating Officers, and their decision. The Review Officer may decide to seek further information from those concerned as they deem necessary. If the Review Officer concludes that the case has not been handled fairly or properly, they will decide on an appropriate course of action, which may include:
1. specific action to resolve the matter;
 2. referral for a new investigation.
51. The Review Officer will inform the individual of their decision within 20 working days of receipt of the request for review, with reasons for the decision. The decision of the Review Officer is final within the College.

E. Office of the Independent Adjudicator for Higher Education

52. A student who believes that their case has not been dealt with properly by the College, or that the outcome is unreasonable, can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), if the complaint is eligible under its rules and once all internal procedures have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the OIA website: www.oiahe.org.uk.

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