



## Dignity and Respect at work and study

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# Dignity and Respect at work and study- Code of Conduct

## 1 Introduction

- 1.1 **Liverpool Institute for the Performing Arts LIPA** has a responsibility by law to provide a working and learning environment where individuals are treated with dignity and respect, free of unlawful discrimination, victimisation, bullying or any form of harassment or abuse. The Institute will not tolerate behaviour contrary to dignity and respect and expects its members to treat each other in a way they would wish to be treated themselves and to raise with individuals directly, if possible, where those expectations in terms of their behaviour falls short.
- 1.2 Students, staff and visitors should not be treated unfavourably or be subjected to bullying or harassment because of race, colour, ethnic or national origin, sex or sexual orientation, marital or civil partnership status, religion or belief (or no religion or belief), maternity/pregnancy, gender identity or status, age, trade union membership, disability, offending background or any other protected characteristic.

## 2 Purpose

- 2.1 This code aims therefore to:
- set clear behavioural expectations for students about their responsibility to ensure the dignity and respect of others across all institutional activities and the consequences for students of failing to meet these expectations
  - inform students about the Institute 's commitment to ensuring their safety and wellbeing and of their rights if they feel they are not being treated with dignity and respect by others
  - signpost students to sources of support and information
  - encourage positive behaviour and the use of informal approaches to resolve issues wherever possible
  - emphasise commitment of LIPA values and a zero-tolerance approach to behaviour contrary to dignity and respect
  - encourage individuals to report all instances where dignity and respect are not demonstrated
  - ensure concerns raised are dealt with effectively and treated sensitively, consistently, in a timely fashion, with due regard to confidentiality, and under the appropriate policy
  - facilitate the capture of data for monitoring purposes

## 3 Scope

- 3.1 This code should be used to deal with any allegations of bullying, harassment or other behaviour contrary to dignity and respect (as outlined in Appendix 1) perpetrated by students whether on campus or not or whether on Institute related activities or not. It applies to all students pursuing undergraduate and postgraduate courses and distance learning programmes (including external students, those on temporary withdrawal or interruption/leave of absence).

- 3.2 The Code is the overarching procedure and works in conjunction with other policies as appropriate e.g. Well-being, Non-academic misconduct, Sexual misconduct, Bullying and harassment and other policies relevant to behaviours and Student Conduct and Discipline.
- 3.3 Students, members of staff or the wider community may request action be taken against students via this code under the appropriate policy.
- 3.4 A disclosure about a reported student could come from an individual outside the Institute. Individuals external to the University have no automatic right of complaint to the Institute and so allegations of sexual misconduct will be dealt with at the discretion of the Institute. The Institute will, however, look to treat such complaints seriously and will adopt the principles outlined in this code and associated procedures, where considered reasonably necessary and practicable.

#### **4 Reporting a Concern**

- 4.1 The Institute is aware that there may be several barriers to reporting incidents. Therefore, individuals have the option to submit an anonymous or third-party report. However, individuals are reminded that in submitting an anonymous report there is likely to be insufficient information for the Institute to take any action other than to collect data for monitoring purposes.
- 4.2 There are various ways to report a concern, the key consideration is that the person reporting a concern feels safe and supported and knows that their concerns will be taken seriously. Issues can be raised via the reporting portal, and this can be used by anyone wanting to report an issue, either for themselves or for someone else, staff or students. If using an online form is not appropriate, staff or students can contact the Registrar or Student Support confidentially by email or phone. Contact details can be found in appendix 2. Details on how to report a concern online can be found here: <https://lipa.ac.uk/report-a-concern>
- 4.3 In making a report, individuals are encouraged to specify their desired outcome and preferred option for resolution. This may include a request that no further action is taken. Where individuals have requested no further action is taken the Institute will respect their wishes unless there is perceived to be a need to safeguard individuals and/or as part of effective risk management.
- 4.4 Where the Institute determines the need for action contrary to the wishes of the individual, this may include reporting the matter to the police and/or taking disciplinary action in line with published policies.
- 4.5 In deciding whether to make a disclosure contrary to the wishes of an individual, the Institute will consider any potential harm that the unauthorised disclosure may cause to the individual.

#### **5 Malicious or vexatious complaints**

- 5.1 Individuals are encouraged to raise concerns without fear of recrimination, confident that the Institute takes allegations of such misconduct seriously. However, a formal complaint should never be made on a malicious or vexatious basis, and a complaint should never be used as a threat against an individual. Malicious complaints may themselves be the subject of disciplinary action.

## **6 Options for Resolution**

6.1 Misunderstandings can, and do, occur. This is especially true in a diverse community of students where there exist different cultural values and assumptions (e.g., about personal space, touching etc.). If these misunderstandings can be cleared up informally, so much the better. Where appropriate the Institute therefore recommends that an informal approach to resolution is adopted.

### **6.2 Informal Options**

6.2.1 Self Resolution: The Institute recognises individuals' capacity to resolve difficulties for themselves, and where appropriate recommends that an informal approach to resolution is adopted by raising the matter with the party against whom the allegation is made.

6.2.2. If self-resolution is not possible but the individual wants to keep the process informal, they may seek advice from Student Support into accessing mediation services.

### **6.3 Formal Options**

6.3.1 In the event that an informal resolution has not been successful, or if the issues are considered sufficiently serious, formal action may be necessary. This may involve requesting the Institute to take action or referring the matter to the police, or both.

6.3.2 Where appropriate, the Institute encourages victims to make a report to the police. Where the matter is reported to the police, it is important that any action by the Institute does not undermine the legal process or contaminate evidence. It may therefore be necessary for any action (other than precautionary measures) on the part of the Institute to be deferred until such time as any criminal proceedings are concluded, except where Institute-specific jurisdiction applies e.g. lectures, seminars, etc. In which case the usual Institute disciplinary sanctions would apply.

6.3.3 Where an individual does not wish to report the matter to the police or does not wish the Institute to take disciplinary action, this will be respected unless the Institute perceives there to be a need to safeguard individuals and/or as part of effective risk management. In such cases the Institute may take action contrary to the wishes of the alleged victim but in so doing will take into account any potential harm such a disclosure might cause the individual.

6.3.4 Individuals wishing the Institute to take formal action should submit their request via the web page at <https://lipa.ac.uk/report-a-concern>. Formal action may include holding a facilitated discussion between relevant parties and an appropriate member of Institute staff to explore possible outcomes for resolution.

## **7 Risk management and precautionary measures**

7.1 In all cases, regardless of an individual's wishes regarding the way ahead, the Institute will need to consider the need for precautionary measures where such measures are deemed necessary to safeguard individuals and/or as part of effective risk management. A separate policy covering safeguarding and precautionary measures exists and should be referred to.

## **8 Duty of care to alleged perpetrators**

- 8.1 The duty of care towards the alleged perpetrator shall be underpinned by an institutional commitment to recognising that an individual is innocent until proven guilty.
- 8.2 In exercising its duty of care to an alleged perpetrator the Institute will give due consideration to contract and consumer law; negligence; health and safety legislation; equality legislation; human rights; data protection and natural justice and any perceived risks to the alleged perpetrator, the alleged victim, or the wider community.
- 8.3 In the interests of natural justice, the alleged perpetrator is entitled to be made aware of the allegations made against him/her unless so doing would prejudice the immediate safety of the alleged victim or is contrary to the advice of the CPS/police. In such cases, precautionary measures may be put in place prior to the accused being notified that an allegation has been made.
- 8.4 In extreme situations, as a precautionary measure, it may be necessary to temporarily suspend the alleged perpetrator from the Institute. Suspension shall only be taken at Directorate level and only where the perceived level of risk of not suspending is considered to be high and no alternative measures are possible to mitigate the perceived risk. Any suspension will be subject to review at regular intervals to ensure any material change in the circumstances of the case is taken account of. Appropriate academic and other support shall be provided to the student, and he/she shall be kept informed of the progress of any Institute 's investigation.

## **9 Record keeping**

- 9.1 Individuals should be aware that staff could potentially be called as witnesses in any legal or disciplinary proceedings, and staff will therefore be required to keep records to account for their involvement in relation to any incident. Records must be stored appropriately in line with Institute records management requirements and senior management will be updated regularly on the safekeeping of records.

## **10 Confidentiality**

- 10.1 The confidentiality of all parties will be maintained as far as possible unless the Institute perceives this to be contrary to safeguarding individuals and/or as part of effective risk management. In such cases the Institute reserves the right to breach confidentiality but in so doing will consider any potential harm such a disclosure might cause to the individuals involved.

## **11 Advice and support**

- 11.1 Where requested, the Institute will offer advice and support to both the alleged victims and alleged perpetrators as well as to any witnesses. The advice and support shall be tailored to the specifics of the individual case.
- 11.2 Support for both alleged victims and the alleged perpetrators may be provided by the same team/department but wherever possible by different members within that team/department.

- 11.3 Care shall be taken to avoid replicating the function and support provided by external agencies. However, where appropriate the Institute will work in partnership with external agencies (referring on as required) to support individuals usually (but not necessarily) with the consent of the individuals concerned (see para 10 above).

## **Appendix 1: Behaviour Contrary to Dignity and Respect**

(This list is not exhaustive and other forms of behaviour contrary to dignity and respect will be viewed equally seriously)

**Harassment** is defined as unwanted comments or conduct viewed as demeaning and unacceptable by the recipient or by any reasonable person. It applies to age, disability, gender assignment, race, religion or belief, sex (gender), sexual orientation, marriage or civil partnership, pregnancy or maternity, or any personal characteristic of the individual student. It may be intentional or otherwise, persistent or an isolated incident.

**Sexual harassment** refers to unwanted sexual comments, sexual invitations, innuendos and offensive gestures including catcalling, groping, pinching or smacking an individual's body. It also includes removing clothing without agreement or an individual(s) exposing themselves without consent; inappropriate physical contact, displaying sexually explicit material (on paper or electronically), inappropriate jokes of a sexual nature, indecent requests or suggestions.

**Harassment on grounds of sexual orientation** includes homophobic remarks or jokes, threats to disclose sexuality, spreading malicious rumours or inappropriate questions regarding sexual activity.

**Harassment on grounds of gender identity** includes inappropriate displays of material that degrades a particular gender, such as a comic or other type of visual; comments or remarks that gender-degrade, such as inappropriate jokes or stories (especially if they are directed at a particular person or group of persons); insults or derogatory actions directed towards a person based on their gender; remarks that continue after the person has requested them to stop, or has indicated that they are offensive; actual physical contact, assault, or interference with the person due to gender issues.

**Racial harassment** is behaviour which is offensive to the recipient and includes derogatory name calling, inappropriate jokes, comments or conduct based on the perception of race, colour, nationality or ethnicity.

**Harassment of disabled people** relates to unnecessary or uninvited physical conduct or staring, inappropriate questions or assumptions about the impact of someone's disability.

**Bullying** may be characterised as offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. There is no requirement to demonstrate the intention to bully only that the bullying occurred.

**Domestic violence** refers to abuse within all kinds of intimate or family-type relationships. Such abuse can be physical, sexual, psychological or emotional and can be actual, attempted or threatened. The abuse can begin at any time, in new relationships, or after many years together.

**Stalking** is persistent unwelcome contact such as following a person, watching or spying on them leaving repeated or alarming messages on voice mail or email or by text or forcing contact through any means, including social media. The conduct might appear innocent in isolation but when carried out repeatedly such behaviour might curtail a victim's freedom and cause significant alarm, harassment or distress.

**Cyber-bullying** includes abusive social networking, sending emails with threatening or inappropriate content, or copying emails to a third party not relevant to the discussion.

**Hate incident** is defined as any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of (but not limited to) their race, religion, sexual orientation, disability or because they are transgender.

**Hate crime** is a hate incident which reaches the threshold of a criminal offence.

**Sexual abuse** is any non-consensual sexual contact. Sexual abuse can happen to men, women or non-binary people and can include derogatory name calling, refusal to use contraception, deliberately causing unwanted physical pain during sex, deliberately passing on sexual diseases or infections and using objects, toys, or other items without consent to cause pain or humiliation.

## **Appendix 2: How to report an incident**

LIPA uses an online reporting portal to report all incidents of inappropriate behaviour and raise a concern with the Institute. The portal and more detailed information about available support can be found at

<https://lipa.ac.uk/report-a-concern>

It is however understandable that someone who has experienced a traumatic incident may feel uncomfortable or unable to report it. When an incident is disclosed to any member of staff they should immediately report it via the portal to the Registrar. If they are unable to use the portal they should email or call either Student Support or the Registrar, contact information is in the table below.

<b>Contact</b>	<b>Email</b>	<b>Phone</b>
Registrar, Mike Mercer	Registrar@lipa.ac.uk	0151 330 3000 extn 7167
Student Support	Student.support@lipa.ac.uk	0151 330 3000

