

DIGNITY AT THE UOK



P.O. Box 2611, KIGALI
www.uok.ac.rw

DIGNITY AT THE UOK POLICY

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Dignity Policy of the University of Kigali

Complaints, Grievance & Dignity

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Dignity at University of Kigali: Staff & Student Policy on Harassment, Bullying & Victimization

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1. Introduction and Scope of Policy

1.1 The purpose of this policy is to assist in establishing an environment in which harassment, bullying and victimization are regarded as unacceptable across the University. Individuals should have the confidence to complain about harassment or bullying, and lack of consideration, in the knowledge that their concerns will be dealt with appropriately and fairly. This policy outlines procedures to be followed if anyone at the University feels they are being harassed, bullied or victimized.

1.2 The principles of this policy apply to all staff, students, associates and any contractors working on campus. It is the responsibility of the Human Resources Department to issue this to all staff. Heads of School/Department must make sure that their staff have received awareness training and understand the context of this policy.

1.3 All employees and students involved in the harassment and bullying complaints procedure and/or the investigation process are required to respect the need for confidentiality.

1.4 We will keep information confidential if it has been given in confidence, however, there may be cases where information provided is of a serious nature and we are under an obligation to use this information in order that we fully discharge our duty of care.

2. Harassment

2.1 The relevant legislation makes harassment on the grounds of a protected characteristic unlawful. This protection includes people who find the behaviours offensive even if it is not directed at them and even if they do not possess the characteristic.

2.2 The Law offers protection from:

- Unwanted conduct that is related to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; sexual orientation and that violates the person's dignity or creates an intimidating, hostile, degrading, humiliating or hostile environment for that person
- Unwanted conduct of a sexual nature (sexual harassment)
- Less favorable treatment for rejecting/submitting to sexual harassment or harassment related to sex or gender reassignment

2.3 Harassment that is targeted at an individual or group of individuals may occur on the grounds of:

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- A person's **actual** personal characteristics - for example, a person's views are persistently ignored or not sought because they have diagnosis of mental ill health
- A person's **perceived** personal characteristic – for example, homophobic/derogatory remarks are made to a person assumed to be gay, whether they are or not
- The characteristic of a person with whom someone is **linked** – for example, a person is harassed because of the religious or philosophical beliefs of a relative or friend

2.4 Alternatively, harassment may not be personally targeted **at** an individual at all. For example, if, in a particular team, a culture exists which permits offensive or stereotypical jokes, then a person may have a valid complaint of harassment, even if these do not relate directly to the complainant. For instance, a racist work culture which denigrates minority ethnic groups may create an offensive environment for staff of all races. People of any race or ethnic background would have a right to complain even where the offensive remarks were aimed only one particular race.

2.5 Harassment can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwarranted attention, to intimidation, humiliation, ridicule or offense. Harassment may not be deliberate; someone may harass another person unintentionally.

2.6 Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. People should feel comfortable about explaining why particular words or conduct are unacceptable to them and should be able to expect that others will treat their views seriously.

2.7 People in positions of trust and authority and those with a pastoral role have a particular obligation to ensure that they do not use their power to harass other staff or students of the University.

Please see section 5. Harassment and Bullying Examples for the most prevalent forms of harassment.

3. Bullying

3.1 Bullying is the exercise of power over another person through negative acts or behaviors that undermine him/her personally and/or professionally. It is often characterized by inconsistent treatment of people. Bullying can be threatening, insulting, abusive, disparaging or intimidating behavior; placing inappropriate pressure on the recipient which can affect self-confidence or has

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the effect of isolating or excluding them. It involves behavior that is unacceptable to the recipient and creates an intimidating, hostile or offensive environment for employment, study or related social activities.

3.2 Bullying may consist of a single incident, sporadic events or a continuing process. Behavior that may appear trivial as a single incident can constitute bullying when repeated.

3.3 As with harassment, bullying is not always deliberate; someone may demonstrate bullying behavior without intending to. Whichever form it takes it will often cause embarrassment, fear, humiliation or distress to an individual or group of individuals.

3.4 Bullying may be by an individual against another individual (perhaps by someone in a position of authority such as a manager or tutor) or groups of people (perhaps a person will act in a bullying manner towards several colleagues). Similarly, a group of people may also be responsible for bullying behavior towards an individual (for example, if a group of staff members acts in a way that leaves an individual feeling isolated or excluded). People in positions of authority can be bullied by those who are not.

3.5 Harassment and bullying are to be distinguished both from the sort of vigorous academic debate which is to be encouraged at a University and from the actions of a manager or tutor making reasonable and appropriate (but perhaps unpopular) requests of his/her staff or students. These are examples of conduct that (whether or not acceptable to the recipient) are warranted in the circumstances. Management actions that go beyond reasonable and appropriate requests within the context of the staff /student relationship may be considered to be harassment or bullying.

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3.6 The defining features of harassment and bullying are therefore that the behavior is both unacceptable to the recipient and unwarranted by the circumstances of the relationship between the parties.

4. Victimization

4.1 Victimization occurs when a person is treated less favourably because he/she has, in good faith, made an allegation of harassment, or has indicated an intention to make such an allegation, or has assisted or supported another person in bringing forward such an allegation, or participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation

4.2 We will not tolerate any victimization of anyone raising a concern under this policy.

5. Harassment & Bullying Examples

5.1 Some of the most prevalent forms of harassment include the following:

Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, comments about dress or appearance, the display or distribution of sexually explicit material, sexual advances or physical contact, demands for sexual favors, or assault.

Racial harassment may include jokes about, or gratuitous references to a person's color, race, religion, or nationality; and assumptions based on racial stereotypes. It can also include offensive remarks about dress, culture, or customs that have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.

Harassment of people with disabilities can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance. People may be wrongly excluded from activities because their requirements have not been considered.

Harassment on the grounds of a person's sexuality may be aimed at heterosexuals but is more usually experienced by gay men and lesbians, transsexuals or bisexuals. Examples of harassment relating to sexuality include homophobic remarks or jokes, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behavior/abuse

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relating to HIV or AIDS status. The response of lesbians and gay men to harassment may also be complicated by the fact that in order to complain about it or confront it, they may be forced to be open about their sexuality (perhaps for the first time).

Harassment on the grounds of age may include jokes about a person's age or the age of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of ageist jokes. Harassment may also take the form of individuals being ignored or overlooked because of mistaken assumptions about the person's capability and/or willingness to take part in activities, for example, exclusion of those near retirement from training and development opportunities.

Harassment on the grounds of religion or belief may include any behavior, language or conduct relating to a person's religion or belief, or to their not following a religion or belief. Examples of harassment include offensive remarks or jokes about items of clothing and religious artifacts; refusing to work with a person because of their religion or belief; or excluding someone from workplace activities.

The above list of examples is not exclusive and harassment can also take place on other grounds, such as a person's religion, or any other characteristic, whether or not it makes them different from the majority or from the person who harasses them.

5.2 Bullying is more than a break down in working relationships. Examples of bullying can include:

- Derogatory name-calling;
- Derisory remarks, verbal abuse, insults, and threats;
- Ridiculing or belittling of an individual;
- Repeated comments in reference to personal traits or appearance;
- Assumptions based on stereotypes;
- Verbal or practical jokes;
- Exclusion from normal workplace conversation or social events — this may be implicit in where or when a social event is held;
- Offensive graffiti or insignia;
- Display or electronic transmission of offensive material;
- Physical attack;
- Incitement of others to do any of the above.

6. Bullying and Harassment Examples Relevant to Students

6.1 **Chanting:** Rivalry during week one between halls of residence leads to X Hall of residence chanting derisory comments at Y Hall residents. Beginning as ‘banter’ the behavior becomes more aggressive and protracted – chants aimed at members of ‘X’ hall become obscene personal insults and the aim is to humiliate any student from that hall.

6.2 **Abusive Communication:** An individual student receives a text message from another student, the text contains language which is offensive and alludes to violence.

6.3 **Threatening behavior:** A student is the victim of a physical or verbal attack – this is misconduct and should be reported to campus security.

All conduct described above is contrary to the Code of Discipline for Students and this policy.

7. Harassment, Bullying, and Victimization by Electronic Methods

7.1 Electronic bullying and harassment can take place through electronic media, for example, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs) or text messages. In sending emails, all staff and students should consider the content, language, and appropriateness of such communications.

7.2 The use of online social networking sites has grown considerably over the last few years. The following guidance is relevant for both students and staff:

- avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on the individual will be much the same
- avoid forming or joining an online group that isolates or victimises fellow students or colleagues
- avoid using such services in classes unless tutors have given express permission
- ensure that you never use such sites to access or share illegal content

7.3 If occasions of what might be online bullying, harassment or victimization are reported they will be dealt with the same way as if it had taken place in a face-to-face setting.

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8. What to do if you are being harassed or bullied

8.1 Anyone who considers that they may have been the subject of harassment or bullying has the right to be listened to and to be given informed advice on how the matter may be resolved. There are usually a number of options. Anyone who feels they have been harassed or bullied is likely to wish to speak to someone with whom they feel they share something in common. For this reason, they should be able to approach one of a number of different people within the University who has been specifically trained for this role

8.2 If you feel that you are being subjected to harassment, bullying or victimization in any form by another member of staff or student they should refer to the relevant procedure contained in this policy:

- Procedure for raising complaints against a member of staff
- Procedure for raising complaints against a student
- Staff/students and student/staff complaints

8.3 There is a section on examples of what may constitute harassment or bullying behavior.

8.4 If you have been accused of bullying, harassment or victimization, please see section 11. Guidance for those accused of Bullying, Harassment or Victimization.

9. Support and Further Information for Staff

9.1 We provide a number of services which you can access if you believe you are experiencing the bullying, harassment and victimization issues identified in this policy and guidance.

- Your line manager: ideally, you should talk to your manager if have experienced or observed harassment, bullying or victimization, or if a complaint is made against you under this policy.
- The DHR (director of Human Resources) is available for a confidential chat if you don't initially want to involve your line manager. The DHR can sensitively discuss your concerns relating to harassment, bullying or victimization.

10. Support and Further Information for Students

10.1 Students may refer to the University Student Code of Discipline which outlines expected behavior for advice.

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10.2 A number of services are available at the University which may be accessed if you believe you are experiencing the bullying, harassment and victimization issues identified in this policy and guidance notes:

- Dean of Student who is trained to advise on matters relating to this policy. Students can seek advice, support, and guidance from the Dean if they have a concern about bullying, harassment and victimization.
- Security: The security team are not only available to help keep our campuses safe but also to support students who feel threatened or concerned about their safety
- Tutorial Assistants: Your departmental personal tutor is someone who can advise you about sources of support as well as support your academic studies. Contact via your school.

10.3 If a student wishes to seek advice and support about making a complaint against a member of staff or student, they may contact the Students' Guild. They will be able to provide advice regarding the options available and support if the student wants to raise a complaint under this policy.

11. Guidance for those accused of Bullying, Harassment or Victimization

11.1 If you are approached informally by a member of staff or student about your behavior, do not dismiss the complaint out of hand. Remember that all people find different things acceptable and everyone has the right to decide what behavior is acceptable to them and to have their feelings respected by others. You may be offending them without intending to in such a scenario and a simple apology may resolve the matter.

11.2 You may seek confidential advice. It would be advisable to do this before taking any other steps. Any discussion will be confidential but you should be aware of the limits to confidentiality. If necessary request a statement setting out limits of confidentiality from whatever source you are seeking advice.

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11.3 If you come to realize that you have harassed or bullied another person be ready to change the behavior causing offense. Training, coaching, and counseling may be available to support you to change behaviors that may have caused offense or distress.

11.4 If after reflection you believe the accusation is unfounded, you should say so and participate fully in the proceeding so that any matter can be resolved as quickly as possible. Mediation and informal resolutions can be effective in resolving any matter informally; therefore, these should be considered a serious attempt to mend working relationships.

11.5 For members of staff, if a formal procedure is invoked both you and the complainant has a right to be accompanied at meetings by a work colleague.

11.6 Malicious (1) or vexatious (2) allegations of harassment or bullying may give grounds for disciplinary proceedings against the complainant.

1 Malicious - motivated by wrongful, vicious or mischievous purposes

2 Vexatious – not having sufficient grounds for action and seeking only to annoy or cause embarrassment to the recipient

11.7 For members of staff, regardless of the outcome of the complaint, you will be required to take reasonable steps to restore adequate working relations between yourself and the person who made the complaint.

12. Formal Complaint

12.1 The University will deal with cases of alleged harassment or bullying impartially and sensitively. A formal complaint should be put in writing and forwarded to the Director of Human Resources who will nominate a staff to make arrangements for the complaint to be investigated.

12.2 The letter of complaint should state times, events and witnesses of events, how the complainant was feeling and any action they have taken. It should be noted that this letter of complaint will be forwarded in full to the person being complained about.

12.3 The Human Resources Department will acknowledge the complaint and notify the person being complained about that a formal complaint has been made against them. A senior member

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of the School/Department will be identified by the Head of School/Department to be the Investigating Officer. Where the complaint is against the Head of School/Department, another Head of School/Department will be responsible for the investigation. The Investigating Officer will send a copy of the complaint to the person being complained about who will be asked to provide a statement of response to the allegations, which should be returned within 5 working days to the Investigating Officer. The response will be forwarded to the complainant. Both parties will be given an opportunity to submit any supporting documentary evidence and a list of any witnesses. The Investigating Officer will request statements/accounts from witnesses.

12.4 Once the Investigating Officer has collated all the necessary evidence and carried out a preliminary assessment, they will determine with advice from HR if there is a case to answer and either:

- Submit the case to a Dignity Panel; or
- Where evidence of issues arise that cannot appropriately be addressed under this policy (e.g. misconduct which is more than/other than those issues addressed under the Dignity at University of Kigali Policy) refer the case for consideration under the Disciplinary and Grievance procedures as appropriate; or
- In exceptional circumstances and after gaining formal advice from Human Resources where there appears to be no case to answer or the complaint is manifestly inappropriate, or trivial, it will be dismissed without a hearing

12.5. Where at the conclusion of the investigation, the Investigating Officer believes there is no case to answer; they will forward their assessment to a relevant Dignity Panel member for confirmation. Where the panel member agrees, the case will be dismissed without hearing. HR will be notified of the case being dismissed. The Investigating Officer will write to both parties setting out their reasons for dismissing the complaint without a hearing.

12.6 For cases that are submitted to a Dignity Panel, both parties will be advised that a Dignity Panel will be convened to hear the complaint. The Human Resources Department, in cases where the person accused is a member of staff, will convene the Dignity Panel consisting of:

- i) Professor or equivalent (Chair). This may be the DVCA (Chair) in cases involving an academic member of staff; ii) a senior member of staff (not from the School/Department or

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Central Services Department of either party); iii) another specially trained member of staff (not from the School/Department or Central Services Department of either party)

12.5.7 Members of the Dignity Panel will be appointed by the VC, with a consultation of the DHR.

12.8 Members of the Dignity Panel will be sent the original complaint, the response from the person accused, any documentary evidence and recommendations from the Investigating Officer. The Chair may identify additional information that is required and request this from the HR. This information will be circulated to both parties.

12.9 At the hearing the Dignity Panel will hear evidence from the complainant, the person being complained about and any witnesses. In certain cases, the complainant may be unable to be present in the room and therefore will be available to respond to questions from an alternative site.

12.10 Based on the evidence heard and considered it is the Dignity Panel's responsibility to determine whether the complaint of harassment or bullying should be upheld or dismissed. In arriving at this decision the standard of proof of dispute facts is on the balance of probabilities. In addition, the Dignity Panel may make recommendations for consideration by the appropriate Head of School/ Department or Central Services Department.

12.11 If the complaint is upheld and the Dignity Panel believes that the findings warrant a disciplinary sanction the Dignity Panel may issue the person accused with a formal disciplinary warning (see Disciplinary Procedures) with any supplementary action that is deemed appropriate. Where dismissal is being contemplated advice must be sought from HR as to how this may be effected in line with the relevant Disciplinary procedure.

12.12 If the Dignity Panel believes that the complaint of harassment is brought with malicious or vexatious intent the Dignity Panel may refer the issue for consideration under the appropriate Disciplinary Procedure for staff and students. It does not follow that if a complaint is dismissed it was necessarily brought maliciously or vexatiously.

12.13 Individuals may appeal against the disciplinary warnings and decisions in accordance with the appeals mechanisms within the relevant disciplinary procedure.

12.14 The HR department is responsible for ensuring that all recommendations are considered and addressed as appropriate.

12.6 Rights of Representation

In a hearing held in accordance with section 12: Staff may be accompanied at the meeting by a legal representative or a work colleague. Staff who have a disability may also be accompanied by a support worker (e.g. a sign language interpreter or mental health worker) as appropriate to their requirements.

13. Procedure for Raising a Complaint Against a Student

13.1 This section is to be read in conjunction with the University Code of Discipline for Students.

13.2 The University is committed to the promotion of an inclusive, respectful and considerate community and will not tolerate harassment or bullying of one member of its community by another.

13.3 The University of Kigali expects every student:

- To behave in a respectful, inclusive and responsible manner to all members of the University community
- Not to participate in, or condone any act of harassment or bullying.
- To modify their behavior if they become aware that it is unacceptable in the light of this policy.

13.6 Dealing with Bullying and Harassment

13.6.1 Taking personal action: If you feel that you have been, or are being, subjected to harassment, bullying or victimization, you should not feel that it is your fault or that you have to tolerate it without question. The behavior in question could be coming from another student, a member of staff at the University or someone else associated with the University.

Generally, complaints are most easily resolved if they are raised at the time the problem first occurs and with the person/s directly involved. If you feel that you have been, or are being, subjected to harassment, bullying or victimization, you may feel able to take action on your own to make the other person aware of the effect of their behavior on you (we refer to this as “taking personal action”).

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In many situations, this can be the most effective way to raise concerns; however, you should not feel pressured to raise concerns in this way and should also be aware of the other options open to you – namely, making a complaint to the relevant school or service or making a complaint about the behaviour of another student.

There are a variety of ways in which you might take personal action, some of which enable concerns to be raised without making reference either to the individual(s) concerned or to the specific nature of the complaint. Here are some examples of types of personal action which might be worth considering:

- You can have a conversation with, or write to, the other person and explain, as clearly as possible, what it is that you consider unacceptable about their behavior and ask them to stop behaving in this way.
- You could enlist the help of a peer to find ways of bringing the topic of harassment, bullying or victimization into a conversation in the presence of the person causing offense.
- If you do choose to contact the person, you might wish to seek advice or support beforehand from:
 - your personal tutor or another member of staff within your school
 - the Dean of Student
 - Student Guild Rep

If you do decide to raise your concerns directly with the person concerned, face-to-face, you might wish to invite someone else to be present when you are having the conversation. If you decide to raise your concerns in writing, you should keep copies of relevant pieces of correspondence. In either case, it may be advisable to note down factual information.

If you feel able to take personal action to raise concerns and feel comfortable about doing so, this can often be an effective and relatively low-key method of resolving issues.

13.6.2 Complaints

To be read in conjunction with The University Code of Discipline for Students.

If you feel that you have been, or are being, subjected to harassment or bullying and you cannot or have not been able to resolve this through personal action the matter may be considered as

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part of the University's disciplinary code. This applies when there is misconduct by another person which contravenes this code.

13.6.3 Personal Safety

If at any time you feel that your personal safety is threatened please contact security as soon as possible.

See examples of bullying and harassment.

14. Staff/student and student/staff complaints

14.1 When deciding which procedure to use, the process which relates to the person being complained about being used.

In the circumstances whereby one party is a student and the other a member of staff, the Department of Human Resources or Dean of Student, as appropriate, will ensure that their counterpart is informed of the matter (Director of Human Resources and Dean of Student).