

**THE UNIVERSITY OF GLASGOW'S  
APPROACHES TO  
GENDER-BASED VIOLENCE**

**INDEPENDENT INVESTIGATION AND  
REVIEW**

**REPORT**

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## 1. INTRODUCTION

The University of Glasgow asked me to carry out an investigation and review of its approaches to gender-based violence.

The purpose of this exercise is to assist the University to consider what it does in addressing issues related to gender-based violence with a view to making improvements in its practices and processes.

### 1.1. *An external and independent investigation and review*

1.1.1. I am an advocate and King's Counsel. I am independent of the University. I am not a graduate of the University. I have, in the past, provided legal advice to the University but, otherwise, I have no formal or informal connection with the University.

1.1.2. In carrying out this exercise, I have worked together with David Blair, who is also an advocate, and who has provided me with extremely valuable assistance. He is also independent of the University.

### 1.2. *Remit*

1.2.1. At the outset, I worked with the University to understand the scope of the exercise and to confirm the terms of the remit. I did this by holding a series of discussions with senior people within the University and with representatives of the trade unions and the Students' Representative Council. It was clear that it would be appropriate for the remit to be in wide terms, covering both students and staff. The Principal of the University and the University Secretary were supportive of this approach.

1.2.2. It was also clear that it would be necessary to look carefully at the University's formal procedures covering student conduct, staff grievances and complaints handling, but that it should not be limited to those processes. Understanding how the University approaches gender-based violence also involves looking at the level of confidence that people have in the formal processes and in the organisation as a whole.

1.2.3. Dealing with gender-based violence is not limited to regulating conduct. Other approaches involve preventative work such as education and awareness-raising and also the provision of care and support to those who have experienced harm.

1.2.4. Following my initial discussions, and working with the University, I agreed terms of reference, which were expressed in this way:

**The following questions set out the terms of reference for the review:**

- What policies, procedures and support arrangements are in place in the University which address gender-based violence, both in preventing it and in dealing with it when it arises?
- How effective are the University's policies, procedures and support arrangements in dealing with complaints and concerns related to gender-based violence?
- What improvements might be made to the University's policies, procedures and support arrangements in responding to gender-based violence?
- What improvements might be made with a view to reducing gender-based violence?

**In dealing with these issues, I will also be asking these questions:**

- To what extent do students have confidence in the University's policies, procedures and support arrangements in relation to gender-based violence?
- To what extent do staff have confidence in the University's policies, procedures and support arrangements in relation to gender-based violence?

1.2.5. With such a broad remit, it is necessary to be clear at the outset about the scope of this report and its boundaries.

### 1.3. *Scope*

1.3.1. This report has a practical purpose, which is to enable the University to identify what works well and what does not and, where necessary, to take steps to improve the way in which it approaches gender-based violence.

1.3.2. As has happened in other universities and institutions, the University was the subject of some publicity following conduct processes in cases involving staff and students. I am aware of the media coverage relating to a number of cases, including newspaper articles, documentaries and podcasts, and I am also aware of the circumstances of the underlying cases. Whilst I have taken account of that information, this is not an investigation into the facts of any individual case, nor is it an audit and I offer no view in respect of any specific decision reached. I have considered the processes followed in the cases which have been the subject of publicity, as well as those in numerous other cases, and that has informed my views on things that the University might now do to

improve the approaches that it takes. However, nothing said in this report should be interpreted as criticism or endorsement of any decision in any case.

1.3.3. The University is not alone in recognising the challenges presented by gender-based violence in higher education. These are issues of concern in higher education throughout the United Kingdom and beyond. A very great deal of work has been undertaken in this area, especially at academic and policy levels, but also, to an extent, in joint working across the sector. I have read widely and have had a number of conversations with people outside the University with relevant experience and expertise. There is extensive literature on the subject of gender-based violence in higher education.<sup>1</sup> It is helpful to draw on that and to identify benefits in working cooperatively with academic experts and with those who have experience in other institutions. I deal with questions of external relationships in Chapter 16. However, this is a report for the University of Glasgow. It is also designed to produce practical, specific conclusions and recommendations.

1.3.4. Gender-based violence has been described by Universities UK as a form of discrimination against women.<sup>2</sup> It exists within a wider context of gender discrimination. That context encompasses other forms of discrimination, including workplace sex discrimination. These other forms of discrimination are relevant insofar as they may help to show what sort of working culture is prevalent in an institution or any part of it and an understanding of the prevailing culture informs decisions about what work needs to be done in tackling gender-based violence. An understanding of institutional culture is important for the purposes of this report. However, this is not a report about sex discrimination more generally. It is not intended to address other forms of unequal treatment, or wider ranging issues of equality and diversity. Its scope is defined by reference to gender-based violence.

1.3.5. Another part of the context is bullying and harassment more generally. There is an overlap. Both will reflect, to some extent, an abuse of power. Some people experience bullying whether in the workplace or within other sorts of relationships and, again, that may inform an understanding of the wider culture, but bullying and harassment more generally are not the subject of this report. I have been made aware of some circumstances in which people consider that they have been bullied or harassed, including those in which formal grievance procedures have been undertaken, but in which there is no sexual or gender-based aspect. I have listened carefully but I do not attempt to address those wider issues.

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<sup>1</sup> Most recently, *Stopping Gender-Based Violence in Higher Education: Policy, Practice and Partnerships* eds. Clarissa J. Humphreys and Graham J. Towl, Routledge, published 22 August 2022. See also *Gender-Based Violence in University Communities: Policy, prevention and educational interventions in Britain* eds. Sundari Anitha and Ruth Lewis, Policy Press, 2018.

<sup>2</sup> Universities UK, *Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students*, 2016

1.3.6. Having explained what this report is *not* about, I return to the question of what “approaches to gender-based violence” covers. Clearly, the formal procedures which the University uses to respond when reports are made are very important. The cases which have come to prominence have all involved conduct, complaints or grievance procedures. These are the approaches which have generated the most concern. Just as it is important to consider how these procedures work and how they might be improved, it is also important to understand why some people choose not to report things that happen and to try to test the level of confidence in the system. Moreover, the University does much more than just regulate conduct. It educates and informs and sets expectations in relation to behaviour. It endeavours to promote a healthy working and studying culture and it provides training. When staff or students experience gender-based violence, whether directly or indirectly and whether that takes place within the University or elsewhere, or when they need to know how best to support someone else, the University aims to meet those needs by providing care and resources. These are all within the remit of this report.

1.3.7. That, of course, makes for a very broad range of issues. It was not possible at the outset to know exactly how much time would be needed. Whilst I have not worked to a fixed endpoint, it has been important to keep the work within reasonable bounds and to maintain perspective. I have not explored all aspects of this remit in equal depth. I explain below my methodology and identify those areas which have received particular attention.

1.3.8. This is not a statistical survey. Those who have made the choice to contribute to the review are self-selecting individuals. I do not propose (and think it would be unwise to try) to draw any conclusions from these contributions as to the extent of gender-based violence at the University. Suffice to say, we have heard from a wide variety of complainers regarding a wide range of activities, stretching from the relatively low-level to the very serious. In wider reading on issues affecting the sector more generally, I note it has been difficult to find reliable figures as to levels of gender-based violence on university campuses. I am aware of the work carried out recently by the Equally Safe in Higher Education / Equally Safe in Colleges and Universities Project and the survey work carried out across four Scottish Higher Education Institutions.<sup>3</sup> The authors of that work recognise the limitations of the survey, in particular with a very low response rate (3.3% for students), and acknowledge that the data cannot be regarded as representative of the sector.<sup>4</sup> I am also aware of other statistical work done, including that by the National Union of Students in 2011 (Hidden Marks: A study of women students’ experiences of harassment, stalking, violence and sexual assault).<sup>5</sup>

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<sup>3</sup> [https://strathprints.strath.ac.uk/80630/1/McCarry\\_etal\\_2021\\_ESCU\\_Equally\\_safe\\_on\\_campus.pdf](https://strathprints.strath.ac.uk/80630/1/McCarry_etal_2021_ESCU_Equally_safe_on_campus.pdf)

<sup>4</sup> ESCU Research Report, McCarry et al, page 53

<sup>5</sup> NUS: Hidden Marks 2011

However, information that is up-to-date, reliable and with a wide evidence base is not readily available.

#### 1.4. Terminology

1.4.1. I have spent some time reading about gender-based violence and exploring what is said by theorists and practitioners about what it means as a term and what it is intended to cover. There are multiple definitions with, in most cases, a fair degree of overlap but it is impossible to pin down a single, universally accepted meaning. Some aspects are contested. What is the best way to convey that those who experience gender-based violence are overwhelmingly female, but that it extends beyond violence against women and girls? Different organisations have come up with different formulations. Whilst I recognise that for some people and in some contexts discussions about these differences are important, I do not consider that, for the purposes of this report, there is anything to be gained in distinguishing between these various expressions, still less in attempting to come up with a new, project-specific reformulation. I am content to note that the University's Equality and Diversity Policy records that in 2018 this statement was approved:

"The United Nations Declaration on the Elimination of Violence Against Women states that violence against women is "*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women...*" and is "*violence that is directed at a woman because she is a woman or that affects women disproportionately*". Art. 3 d, Council of Europe Convention on preventing and combating violence against women and domestic violence states: "*[G]ender-based violence against women" shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately[.]*" The current Scottish Government approach is guided by the definition adopted by the United Nations, and hence the Government's current framework "Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls" recognises gender-based violence as a both a cause and consequence of gender inequality."

1.4.2. The Equality and Diversity Policy also lists and explains the meaning of those acts of sexual harassment, violence and misconduct which come within the scope of gender-based violence. These are: sexual violence (including sexual offences defined in the Sexual Offences (Scotland) Act 2009), sexual harassment, stalking, domestic abuse, controlling and coercive behaviour, female genital mutilation, 'honour' based violence, forced marriage, grooming, child sexual exploitation, image based sexual abuse and online abuse.<sup>6</sup>

1.4.3. It is important to note that a large number of people with whom I spoke felt slightly uneasy about the term 'gender-based violence' and some disliked it altogether. I heard a range of views. There is a general sense of it being unsatisfactory to have to work with a term that does not have a

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<sup>6</sup> Full definitions are provided:  
[https://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/policy/equalitypolicy/app-i/#\\_ftn1](https://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/policy/equalitypolicy/app-i/#_ftn1)



fixed meaning, or where there are slight variations in understanding what it covers depending on which organisation or who is using it.

- 1.4.4. Separately, a number of people expressed concern about using the word 'violence' and what it connotes. In particular, a view expressed by some was that applying a 'gender-based violence' label to information or campaigns intended to encourage people to report concerns could be unhelpful or even counterproductive because, in the ordinary understanding, violence is usually something physical. A person whose sexual images have been shared without her consent or who has been harassed by someone using sexual language but no physical contact may well take the view that her situation does not come within the scope of gender-based violence.
- 1.4.5. I appreciate that the term gender-based violence has been around for a long time and is well-established and widely used in the academic and policy worlds, including by Scottish Government, where there is an understanding that 'violence' does cover a very wide range of abusive behaviour, including use of language and microaggressions. That is clear from the very many books and articles on the subject. It is less clear that that understanding properly translates to the settings in which people are neither immersed in the theory nor familiar with the way in which policy groups use language, but who are thinking about coming forward to complain about something that has happened, or who are having to react to such reports. Specialist redefinitions of common words such as 'violence' may confuse.
- 1.4.6. One student spoke to me about her experience of stalking behaviour by an ex-partner, also a student, over an extended period. She had not reported it, in part, she explained, because he was never violent. That decision was not in itself attributable to the use of the term 'gender-based violence' by the University but it may illustrate the risks of assuming that policy terms easily translate to practice.
- 1.4.7. Whilst some people have reservations about the terminology, and I share many of those concerns, the reality is that that is what is used and, for want of anything better, it is likely to continue to be used. In the particular contexts of regulation through codes of conduct and grievance procedures, it is appropriate to use more specific terms referring to sexual violence or sexual harassment, or, more generally sexual misconduct.
- 1.4.8. At the same time, it is important to recognise the wide range of behaviours encompassed in the term 'gender-based violence' and to acknowledge that treatment which does not come within the scope of 'violence' in the conventional understanding can and does have profoundly damaging consequences. Sexual abuse carried out online, for example, can be devastating. Asking questions about the language used to describe this behaviour should not be interpreted as seeking to exclude it from consideration.

- 1.4.9. It is important to keep the whole spectrum of behaviour within view. There are gradations of seriousness but it is important not to lose sight of things at the minor end of the scale. It should also not be assumed that only current experience will be relevant. Child sexual exploitation might not be thought to be relevant, for example, but people carry with them things that have happened in the past and may have needs that arise as a result.
- 1.4.10. There were other views expressed in relation to terminology and, in particular, concerning the terms “victim”, “survivor”, “victim/survivor” and “perpetrator”. I am familiar with the reasons why those terms are widely used and I understand that they have a value, especially in the context of providing support to those who have experienced trauma. We heard from a lot of people – students, former students and members of staff – who had experienced sexual violence or sexual harassment and who wanted to provide information about their circumstances and about their views of the approaches taken by the University. Some of them, but by no means all, referred to themselves as survivors or, very much less often, as victims. I respect those choices. Others, who had had similar experiences, did not describe themselves in that way, and I also respect those choices.
- 1.4.11. At the same time, various people with roles involving responsibility for responding to reports of gender-based violence spoke with some caution about using such terminology. Describing a person as a “perpetrator” or “victim” of sexual violence connotes that that has been established or proven. I fully recognise the sensitivity of this issue and the extensive work that has been done in enabling people who have experienced sexual violence to come forward and the wish to provide affirmation and support. However, I must also record that a substantial number of people have concerns that routinely speaking of survivors and perpetrators does not sit well in an environment where the University must, at least in some cases and at some stage, test what is alleged.
- 1.4.12. It is important to distinguish between two very important but separate aspects of the University’s responsibilities. First, to give people confidence to report gender-based violence, the University must ensure that they will be listened to and taken seriously. The University has a responsibility to provide care and support to those who disclose that they have experienced gender-based violence. In response to those disclosures, that part of the University which provides that care and support must do that in the most sensitive way, and that may well involve speaking of being a survivor of sexual assault, for example.
- 1.4.13. The second aspect of the University’s responsibilities is that to ensure a fair process for all involved, the University cannot pre-judge whether any particular act has taken place. The University – the same institution, but a different part – also has a responsibility to handle a

report of misconduct in a fair way. Fairness requires there to be a neutral space within which allegations can be investigated and tested. Within that space, it is essential that nothing is said or done that gives an impression of prejudging any issue or of favouring one person or another.

1.4.14. I consider the recently revised Code of Student Conduct in Chapters 7 and 8. The terminology used there is “reporting individual” (or “reporting student”) and “responding student”. When discussing student conduct investigation and management, those are the terms which I use, including in relation to cases predating the new version of the Code.

1.4.15. I have referred to the reservations that some people have expressed about the use of the terms “gender-based violence”, “victim”, “survivor” and “perpetrator”. I must emphasise that in no case have I had any sense that anyone speaking to me has been dismissive of the issues or sceptical about the existence of any problem to do with gender-based violence. Caution about the use of certain language does not suggest an unwillingness to deal seriously with the underlying issues. On the contrary, I have met consistently and almost without exception a strong commitment to addressing the problems that exist and a belief that the University should do that in a fair and careful way.

## 2. METHODOLOGY

- 2.1. As already explained, in the initial stages, I discussed the scope and remit of my work with a number of people within the University. That allowed terms of reference to be framed, which are given at paragraph 1.2.4 above. At the same time, in January 2022, I issued a statement setting out the general principles underpinning my work and information about the practicalities. These were published on the University website and are in Annex A.
- 2.2. It was clear at the outset that this could not just be a paper-based exercise. It was essential to speak to people. I arranged a series of meetings with people with relevant experience and insights because of their positions of responsibility. That exercise was very useful in allowing me to understand the University's processes as well as to listen to the observations and concerns of a range of thoughtful and well-informed people. However, for a broader, deeper and more balanced understanding, it was important to hear from others across the University. I was keen to ensure that everyone who wished to speak to me had an opportunity to do so. To that end, I issued invitations to all students and all staff. The terms of those invitations are included in Annex B.
- 2.3. There was an immediate and positive response to these invitations. A large number of people got in touch, using a dedicated email address. Most wished to arrange a meeting. Some preferred to make representations in writing.
- 2.4. As mentioned above, I have worked closely with David Blair and that has been a great benefit. He and I shared the meeting arrangements. The University provided us with a room on campus, enabling us to meet people in a quiet and discreet space, although we also held meetings in other locations. Our default arrangement was to schedule face to face meetings, although a few people preferred to use either Zoom or Microsoft Teams. I believe that there was a significant advantage in having face to face meetings.
- 2.5. We had meetings with around 140 individuals. We met with around 20 individuals on more than one occasion. The proportions of those we spoke to were approximately two-thirds staff and one-third students. In terms of staff, we have had meetings with people from across all Colleges and Schools and from professional services. We have met senior members of the management team, up to and including the Principal. We have spoken with a variety of academic and non-academic members of staff, at various levels of seniority. In terms of students, we have, again, spoken to individuals studying across a wide range of disciplines. We have met with both undergraduate and postgraduate students. Whilst this is not a historic review, we also spoke to a number of former students who had graduated within the last three years.

2.6. We also received written contributions from around 30 staff and students. Those written contributions have been just as valuable as face to face meetings. On the whole, we met contributors individually, although in some cases people preferred to be accompanied by someone to provide support. In a few cases, we met small groups of people.

2.7. In addition to our “open call” for contributions, I sought to speak specifically with those in senior management positions within the University, whose roles have a bearing on the University’s approach to gender-based violence. Those discussions have included (but are not limited to):

- The Principal
- The Senior Vice Principal
- The Chief Operating Officer and University Secretary
- The Executive Director, Student and Academic Services
- The Executive Director, People and Organisational Development
- The Head of Human Resources, University Services
- The Head of Equality, Diversity and Inclusion
- The Director of Student Support and Wellbeing
- The Head of Wellbeing
- The Head of Security
- The Clerk of Senate
- The Director of the Senate Office
- The President and other executive members of the Student Representative Council

2.8. I also met with three other Vice Principals and with those in management positions in a number of the University’s Colleges and Schools.

2.9. Of those who spoke or wrote to us, approximately 40 people provided information in relation to first-hand experiences of gender-based violence, although not all within the University. Some of these were very serious. It was plain that the matters which were being discussed were, at times, the source of distress or real and lasting damage to people’s lives.

2.10. I am very grateful to all of those who chose to contribute to this work. The value of this report depends on the evidence on which it is based. Whilst,

for reasons which are set out below, it is unlikely that many will see details specific to their case in this report, all contributors should be assured that their input has been valuable and their views have been carefully considered.

- 2.11. The University has also, helpfully, provided useful documentary evidence. At the outset of this review, the University provided copies of its relevant complaints and conduct policies, as well as documents concerning the University's wider strategic aims. I was also provided with a sample of case files, relating to student conduct complaints. Where necessary, I have sought and obtained additional documentation and information. My only criticism is that the University did not keep me informed when documents it provided to me at the outset were updated during the lifetime of this review. I am aware that recent changes have been made to the Code of Student Conduct, for example, but came across this as part of my own research. That said, University staff have been uniformly cooperative and very helpful when I have asked them for further information, whether that be statistical information about complaints, copies of training or policy materials, or documents relating to specific conduct complaints. I am very grateful for that willing assistance. I would also wish to record my thanks to those who have helped with the administrative and technological arrangements. Their prompt and thoughtful support has been very valuable.
- 2.12. In addition to staff and students, I have had useful discussions with representatives of other relevant organisations. The Public Protection Unit in Police Scotland (Greater Glasgow) have a close relationship with the University's Security Team and I have benefited from discussions with them regarding preventative work as well as investigation of allegations of gender-based violence. The University has also received significant support, particularly in relation to training resources, from Rape Crisis Scotland and Rape Crisis Glasgow and Clyde. I have met with a representative of Rape Crisis Scotland to discuss that work and how it fits in with the University's various responsibilities to victims of gender-based violence. Universities Scotland has also provided valuable information with regard to the context across the sector.
- 2.13. Some of the issues in this report are sensitive and there is a general difficulty for many in speaking about gender-based violence, both because it is personally traumatic and for fear of potential adverse consequences. Recognising that, and to encourage people both to contact me and to be candid, and in order to gain an accurate picture, I considered that it was important to assure people at the outset that they could speak to me in confidence. I have formed the impression that contributors have indeed been candid and that candour has been valuable. I have, throughout this process, assured contributors that where they have provided information in confidence, that confidentiality will be maintained. In this report I do not attribute the various views which have been expressed to specific individuals. Nor have I sought to provide "case studies" or any other form of detailed account of specific cases, which might undermine confidentiality. I am also alert to the risk of inadvertent identification of individuals even when using

information in an anonymised way. Where it is helpful to do so, I have referred to illustrative examples.

- 2.14. As set out above, the University has shared with me various pieces of information, including data relevant to specific conduct cases. The University has, I understand, satisfied itself of its lawful basis to do so. I am a data controller, registered with the Information Commissioner's Office, as is David Blair. We have processed all data which we have obtained in accordance with our duties under the Data Protection Act 2018 and the General Data Protection Regulation. In addition, we entered into a Data Sharing Agreement with the University.
- 2.15. The investigation and review exercise has taken some time. It has been important to give as many people as possible the opportunity to talk to us and to share their views and experiences. It has also been important to reflect on that material and, where necessary, to test the accuracy and internal consistency of information. Where I have been given one perspective on an issue, I have sought, so far as I can, to understand whether there is another point of view. Moreover, analysing voluminous policy and regulatory documents is time-consuming in itself. The breadth of the remit has presented its own challenges in terms of managing the task within a reasonable timeframe. I am grateful to all those who have been patient with me.
- 2.16. There is a final observation about methodology. As I have explained, having set the parameters for this work and having carried out preliminary reading to allow me to understand the issues, I issued general invitations to the entirety of the University. I found the response to those invitations to be hugely encouraging, both in the numbers of people who were in touch and in their willingness to contribute. This was a 'ground up' approach. Some things surprised me, relative to what might have been expected based on policy material. Quite quickly, I was able to see where the main issues, specific to this University, lay. Having done that, I was able to develop my enquiries in a focused way, whilst remaining open to new topics emerging. Had I taken a more 'top down' approach, relying in the first place on existing policy-type information, I suspect that the experience would have been different. I have been informed by what I have been told.
- 2.17. My task is in part to hold up a mirror to the University and to allow the institution to understand what its members – staff and students – feel about conduct and behaviour in the place where they work and study. The further part of the task, though, is to identify what is effective and what is not, and to propose ways in which the University's approaches to gender-based violence might be improved.

### 3. THEMES AND ISSUES: AN OVERVIEW

#### 3.1. *Gender-based violence: concept, understanding and experience*

- 3.1.1. People from right across the University contributed to this investigation and review, from the most senior members of staff to first year undergraduates. Some had first-hand experience of gender-based violence, whilst others had supported those in that position. Some had responsibilities as members of staff for providing support and guidance or for decision making in the conduct context. Others brought academic and policy experience. All of the people we spoke to regarded it as a serious issue.
- 3.1.2. In my observations on terminology at paragraph 1.4 I noted that a number of people had raised questions about the meaning of “gender-based violence” and whether it is always helpful to use that term. I repeat the further point made: asking questions about terminology does not indicate a failure or an unwillingness to take the issues seriously.
- 3.1.3. Whilst few people wished to discuss the theoretical or sociological aspects of gender-based violence, most clearly worked on the basis that, in the overwhelming majority of cases, gender-based violence (of whatever kind) is directed against women by men. I received a small number of representations reminding me that there are cases where women perpetrate violence, including against men. I accept that. I did not meet anyone with direct experience of that form of gender-based violence.
- 3.1.4. Generally, both in publications and in the representations made to me, the emphasis is on sexual violence and harassment perpetrated by men against women. However, gender-based violence may also involve two people of the same sex. Sexual violence and harassment perpetrated by or experienced by LGBT people is within the scope of this review. As a matter of fact, we did not receive any information about such cases.
- 3.1.5. At an early stage in the investigation, one or two people asked me to confirm that the remit would encompass the experience of transgender people and I confirmed that it would. Nobody contacted us to provide information or representations about that experience. I heard, indirectly, about a trans student who had experienced bullying connected with being trans but I have no substantial information about that. It may be that there is a wider issue within the University but I heard nothing about it.



### 3.2. *Gender-based violence can have very serious consequences*

3.2.1. This may seem an obvious statement but I believe it is very important to acknowledge the pain and distress caused by sexual violence and sexual harassment. We heard from a significant number of people who spoke of their own direct experiences of trauma. I am especially aware of the sensitivity of this information and will not risk breaching confidentiality by providing detailed examples. I want to thank all who were prepared to share this information, recognising that recounting it can be difficult and distressing.

3.2.2. We heard from young women who had experienced sexual abuse before coming to the University and from some whose first sexual experiences had been violent or non-consensual and had happened early on in their time as students. We heard from some who had experienced sexual violence within a relationship, as well as numerous examples of women who had been assaulted or harassed by men whom they had thought to be friends, including flatmates and other social acquaintances. We heard about verbal abuse, including very offensive abuse apparently timed to be maximally damaging. We also heard about stalking and threatening behaviour.

3.2.3. In every such case, the experience had caused suffering and, in some cases, to a high degree and for a very extended period. Many of those to whom we spoke had received counselling specifically in response to that experience. Others had received more informal support. There were some women who had not disclosed what had happened to anyone at the time.

### 3.3. *The University generally takes gender-based violence seriously but in some respects it could do better.*

3.3.1. Many people contributed to this investigation and review and there was a wide range of opinion. Whilst it is not possible to synthesise all views and to arrive at a single conclusion, it is important to reflect an overall view, acknowledging that there are qualifications. That overall view is that the University at an institutional and policy level takes the issues seriously and can be trusted. Many people commented on the fact of my appointment as an indicator of an openness and a willingness to improve. Some suggested that the University gives a greater priority to its reputation than to care for individuals and some expressed a view that whilst most senior leaders understood the issues and were committed to addressing them, that was not universally the case. A few members of professional services staff expressed the view that, when they complained, they were not treated as well as academic members of staff.

3.3.2. My own view, based on what I have read and seen and heard, is that the University is indeed seriously committed to addressing and reducing gender-based violence and that, overwhelmingly, that commitment is

motivated, first, by a very deep concern for student and staff welfare and, secondly, by a strong sense of belonging to a good institution that, though fallible, endeavours to do the right thing. In speaking to members of staff, I was struck by how many senior people have been part of the University for a very long time and by their thoughtful and frank views of its strengths and weaknesses. Overall, this is a body of people with a will to uphold values and to make changes where necessary in the interests of those who study and work in the University.

3.3.3. Some people expressed the view that whilst the University used to be rather stronger on issues of gender-based violence and leading the way for other universities, it is now in the middle of the field. Some suggested that the University could do more to learn from practice elsewhere and should not rely exclusively on its own solutions.

3.3.4. Where there was criticism, it was mostly concerned either with the working culture in particular areas of the University or with the practical application of policies. Questions of working culture are complex. I deal with those in chapter 10. It rapidly became clear to me that the main issues requiring attention concerned students rather than staff, and particularly in the area of regulating student conduct. Of all of the issues raised with me, by both students and members of staff, the problems that came up most often were to do with student conduct, within the University itself and within the student unions. These are addressed in chapters 7 to 9.

3.3.5. The work of the Equality, Diversity and Inclusion Unit must be commended. The staff team within that Unit and, in particular, the Head of the Unit have invested time and skill in the preparation of an action plan to address gender-based violence and, specifically, sexual harassment. Although the responsibilities of the Equality Diversity and Inclusion Unit extend well beyond addressing gender-based violence, it is clear that that is a very important element. Their work is well-informed, thoughtful and balanced and is clearly based on a sound understanding of the University's systems and of what works, especially in developing staff skills. I have found it very helpful to have sight of the written strategies and to discuss issues arising.

### *3.4. The negative consequences for individuals of gender-based violence can be mitigated by the University taking swift action to deal with reports*

3.4.1. This may also appear to be obvious but it is a point worth making because it informs, in part, the reasons for the University taking action. The University should deal with complaints of gender-based violence because that promotes everyone's safety and wellbeing and it is in the interests of the University as a whole. But it is also something that demonstrates to the individual that the University cares and takes complaints seriously. Swift action can have a powerfully positive effect, for example, an immediate referral for crisis support, or quick

communication by an adviser of studies to confirm that things can be done to adapt study arrangements or, within a conduct context, a prompt risk assessment. These actions may not conclude a case but they can go a long way to assuring an individual that the issue matters and that it will be properly addressed. A number of people spoke in positive and appreciative terms about the value of a speedy response.

3.4.2. Beyond the immediate response, there is also value for the individual who makes a report in seeing that that is dealt with competently and on time and that is so even where a complaint is not upheld. A problem dealt with well is much less likely to fester and to cause long term damage.

3.4.3. By contrast, not responding to a report, or doing so in a confusing and time-consuming way, is likely to prolong and compound distress. A failure of that kind may also mean that the misconduct continues or escalates, especially if the perpetrator forms the impression that the behaviour is seen as normal or that nothing will happen to prevent it.

3.4.4. Speedy action is also in the interests of a person facing a complaint of gender-based violence. An extended and uncertain process is also likely to cause harm to that person, particularly if the allegation is ill-founded.

### 3.5. *Gender-based violence in the University is not a new phenomenon*

3.5.1. This report focuses on the current situation and looks to the future. Several members of staff spoke of their own experiences in the past, in Glasgow and at other universities, going back to the 1980s, and of the prevalent attitudes then to sexism and the scope for complaining about sexual harassment.

3.5.2. Some women spoke to us about experiences of sexual violence and sexual harassment which had occurred within the University some years ago and, in a few cases, very many years ago. I believe that it is very important to acknowledge that some people have had to carry memories of things unspoken for a very extended period and that, further, their experiences have had impacts on their careers. In some cases, women changed career paths in order to avoid or limit contact with men who, in one way or another, had been abusive. The effects of gender-based violence in the past can be profound and very long-lasting. There are women in the University today who are successful and with multiple professional achievements and who had to deal with sexual assault and sexual harassment in the academic workplace in their youth. There are those who have also overcome those difficulties and are now successful but at a cost to the progress of their careers. I learned a lot from listening to them; I cannot help but wonder about other women who must have experienced similar things but who, instead, left, and about the impact on their lives and the loss to the University. When noting how much things have changed, these experiences should not be forgotten.

3.5.3. But there have been changes, and many of these are for the better. There has been a real shift in attitudes and culture. The situation is, of course, nuanced. It is not the case that attitudes in the past were uniformly sexist; for many men and women what is offensive now was just as offensive then. Nor is it the case now that sexism and sexual harassment are uniformly seen as abhorrent. What has changed significantly is the awareness that there are, or should be, good ways of dealing with problems when they arise and that nobody should suffer if they complain about abuse.

3.6. *The University is part of wider society and will be influenced by external pressures*

3.6.1. As a very large organisation with a very diverse range of people in terms of age, interests and experience, the University might be seen as a microcosm with its own special climate and culture. When looking at gender-based violence, there are clearly questions which are very specific to higher education. That is borne out by the extent of specialist literature on the subject. It may be tempting to think that, although solving the problem of gender-based violence in wider society is impossible, within a smaller and more contained environment, the goal of total elimination can be achieved. That would be a mistake.

3.6.2. Many people within the University refer to the campus. There is a University area, certainly, but the buildings are mixed in with the city environment. Culture is similarly porous and the attitudes and behaviour of people within the University will be influenced by what happens elsewhere. It is impossible, whether as a student or a member of staff, to live wholly within a university. Everyone is part of wider society. Students are with the University for a relatively short period and generally retain connections elsewhere. Even those who throw themselves wholeheartedly into University life are subject to other pressures.

3.6.3. This is a point that was made numerous times by those involved in student conduct matters. The effects of alcohol, in particular, are seen repeatedly in misconduct cases. Tackling attitudes to alcohol consumption is not something for which the University can take sole responsibility. In a similar way, some spoke of the influence of the constant use of social media. Some people with extensive professional experience discussed with me their concerns about some young men who do not have a proper concept of what a good, healthy sexual relationship looks like, in some cases to a dangerous degree, and about this problem increasing, possibly related to the availability of online pornography. Some young women also lack a good understanding of what respect means in a sexual relationship.

3.6.4. It is important to remember these wider issues when seeking to measure how well the University responds to gender-based violence.

The University cannot solve every social problem. That is not a counsel of despair. The University must do all that it can to promote welfare, recognising that there are no rigid boundaries around its own space. Further, through educating and regulating behaviour, the University can itself have a positive influence on wider society.

3.6.5. A practical example is spiking. Spiking drinks with alcohol or drugs has been a problem for a long time. Clubs and other venues are, to a greater or lesser extent, alert to the problem and there are counter-measures available, such as drinks covers. Education and awareness raising is also very important. In the later part of 2021, there was a period of widespread anxiety about needle spiking. This was not just in Glasgow, although within the student population, at the start of the 2021-22 academic year, it was a big concern. Police Scotland later confirmed that there were no recorded cases of any person having had a needle injury. Some people criticised the University for not doing enough. Beyond assuring students that it takes reports of sexual assault very seriously, and encouraging anyone who believed they had experienced or witnessed such acts to report them, it is difficult to see what the University could practically have done. Keeping alert to trends and dangers elsewhere that affect students, and providing appropriate reassurance, are important parts of the University strategy.

*3.7. Human relationships are complex and, whilst there are common themes in gender-based violence, people need to be treated as individuals.*

3.7.1. Just as account needs to be taken of external influences when looking at the University's response to gender-based violence, so must it be acknowledged that every person has his or her own internal influences. Those with long experience of sitting on conduct committees spoke of the need for sensitivity to personal circumstances and of the difficulty, when presented with a messy and confusing set of facts, in working out what happened and why, and to what extent to make allowances for an individual's personality.

3.7.2. Within the context of gender-based violence, it is too simplistic to respond to all conduct in the same way. I heard from some involved in conduct matters about the need to distinguish between the young man who is, for example, socially maladroit, or autistic, or unable to read social cues and the person who believes that he has a right to touch women without their consent and insists on aggressive behaviour even when told to stop. Some people do not understand that they are doing anything wrong; some do and keep doing it. But those distinctions are themselves complicated. The only reasonable way for the University to deal with these complexities, in the conduct context, is to have in place clear, accessible information setting out expectations about behaviour, backed up by a clear, accessible conduct procedure. The procedure itself needs to be applied absolutely consistently, but in a way that allows the outcomes to respond appropriately to the situation in each case,

taking into account the circumstances of all involved. That has to be achieved by ensuring that those who operate the scheme, especially those who serve on conduct committees, are equipped through training and resource to do the job.

### 3.8. *Zero tolerance needs to be properly understood*

- 3.8.1. The concept of zero tolerance for violence against women and girls is both simple and powerful and it effectively communicates the principle that sexual violence and sexual harassment cannot be played down or explained away or accommodated. That is valuable in educating and raising awareness and developing policies. However, I have also heard 'zero tolerance' used in a different way, as being taken to mean that the University must show zero tolerance by taking the strongest possible action in every case in which an allegation of sexual misconduct is either made or established. If this is indeed the expectation – and I believe that, for some people, that is the case – then that may help to explain why some are disappointed by the University because it is an expectation which cannot be met.
- 3.8.2. Having a zero tolerance approach to gender-based violence does not mean that every case in which an allegation of any kind is made must be treated according to the procedure applicable in the most serious cases. Nor does it follow that where sexual misconduct of any kind is established that the University must impose the maximum sanction.
- 3.8.3. Some complaints of sexual harassment are capable of resolution at a low level. It is not the case, within the student context, that every complaint must be the subject of a conduct report which has to be considered by a conduct committee. There are mechanisms within the overall procedure which allow for minor matters to be resolved quickly. That is also true in the staff context. It is very important to be clear that this does not amount to placing responsibility for resolution on the person who has experienced sexual harassment, nor is it an endorsement of mediation as a means of resolving such cases. If one person alleges sexual harassment by another, it is highly unlikely that that could ever be mediated to a conclusion. However, in such a case, depending on the circumstances, an intervention short of conduct proceedings may be sufficient. That does not mean that the behaviour is tolerated. Rather it means that it is dealt with in a proportionate way.
- 3.8.4. I emphasise that it is important that responses by the University happen within the overall framework and are recorded. Informal resolution does not mean acting outside the system or avoiding the proper regulation of behaviour.
- 3.8.5. In a similar way, when misconduct is established, after a proper process, the University should ensure that it has regard to the full range of sanctions and that these are applied in a proportionate way, according

to the circumstances of each case. Zero tolerance does not mean that because the University can expel a student that it should.

*3.9. The numbers of cases reported to the University are low*

3.9.1. I have been given information about all reported cases involving gender-based violence within the University in the past five years. I refer to the data in more detail under reference to student conduct procedures, staff conduct procedures and complaints handling procedures. The total number of student cases exceeds staff and other complaint cases by some margin. The explanation may simply be that the student population is over three times that of the staff complement. It is difficult to make meaningful assessments of trends over the past five years, especially against the background of the pandemic. Over that period, the average number of student misconduct matters involving gender-based violence is eight per year. Relative to the size of the student population that is very low. On the basis of information given to me about experiences that people have had but where no report has been made, I have to conclude that there is under-reporting. I am not able to say what the extent of that is.

3.9.2. A number of people have spoken of the need to anticipate an increase in reports. I agree that it is reasonable to expect that to happen, especially with a general awareness of trends elsewhere, and it would be prudent to make resourcing plans with that in mind.

*3.10. Good record keeping is important and monitoring is essential*

3.10.1. In each of the areas I have considered I have been provided with data covering the number of formal complaints made. In relation to student conduct records I have concerns that record-keeping is not always consistent. There is a value in maintaining detailed records, allowing the University to identify trends over time and also with reference to location. Whilst the numbers of reports may be small, which may mean that it is difficult to track statistically significant information, it is useful for the University to monitor whether there are increases or decreases in reports and where incidents are taking place. If trends suggest that halls of residence, for example, are where sexual assaults are taking place, or that there are repeat problems in a particular School, then the University will be in a position to target appropriate interventions.

3.10.2. Formal complaints are only a part of the picture. Another category of information is found in the online reporting system. It is important that a person with specific safeguarding responsibility is alert to developments for the purpose of immediate, responsive interventions. Less urgently, identifying trends enables the University to make good decisions about deploying resources in relation to prevention.

### 3.11. *Availability of information: the University website*

3.11.1. In chapter 11, which covers staff policies and procedures, I refer to some issues relating to accessibility of information on the University website. Those issues affect students as well as staff, albeit in different ways. The University publishes a vast quantity of information online. This is very welcome, although the benefits of transparency can be compromised when searching for information is difficult. Overall, the presentation of information is easy to follow and there is relevant and high quality information available relating to gender-based violence in a number of respects. However, searching needs to be improved. As an example, typing “gender based violence” as a search term prompts a drop down menu with “gender based violence support” at the top of the list. That generates a list of webpages, the first of which is a staff update about a service for survivors of gender-based violence which took place in the University Chapel in 2018. By contrast, using “sexual violence support” as a search term leads immediately to a very helpful page with clear information including about what to do in an emergency.

3.11.2. It may not be realistic to undertake website improvement work specifically in relation to the accessibility of information about gender-based violence, or student conduct, or any other individual issue. Nevertheless, there is scope for refining the presentation and ease of locating that information online.

*Recommendation 1. The University should review its website content relating to gender-based violence and related conduct procedures with the aim of improving accessibility of information.*



## 4. STUDENTS: OVERVIEW

### 4.1. Culture

- 4.1.1. Understanding the impact of gender-based violence on students, whether as individuals or groups or as the student body as a whole, requires engagement with complex and challenging issues. In chapter 10 I consider the University workplace culture. Student culture is something different and is harder to categorise. In a student body 30,000 strong there is no single or even dominant culture. There are multiple and overlapping cultures which change over time and which are subject to myriad influences.
- 4.1.2. To state the obvious, the student body is very diverse. Students come from a wide variety of backgrounds but they also come with a wide variety of needs, expectations and levels of awareness. For the purposes of this report, the following factors are particularly relevant.

### 4.2. Age

- 4.2.1. Typically, undergraduates start at the University having left school at the age of 18. A few will begin aged only 17, whilst there are others who start as undergraduates when they are a little older, perhaps having been in employment. Each year, a cohort of young people come to the University at a time in their lives when they are experiencing great change. Many are leaving home for the first time, with all of the excitement and anxiety that that brings. At the same time, the University of Glasgow has a relatively high proportion of undergraduates who remain resident in the family home. Experiences of isolation and friendship, whether students are living in halls, or private flats or at home with their parents, will vary a great deal.
- 4.2.2. It would be wrong to categorise all new undergraduates as vulnerable simply because of their age. At the same time, youth and relative inexperience may mean that it is more difficult to recognise the risks and reality of gender-based violence and to respond well when it happens.
- 4.2.3. Some students arrive with a well-developed understanding of healthy sexual relationships and a good sense of rights and responsibilities in that setting. That might have come from school-based education or from elsewhere. However, it is not universal. Some students have spoken to us of coming from sheltered backgrounds with very little sex education. For students in those circumstances, freshers' week events featuring alcohol and free condoms in abundance can come as a complete shock. Other undergraduates arrive with a strong sense of entitlement and a weaker sense of the value of good behaviour.

### 4.3. *Experiences prior to University*

- 4.3.1. Some students come to University carrying the impact of adverse childhood experiences, including those who come from foster care or from residential care, or without a reliable support network. The University makes special provision for care-experienced students and I have heard from a student for whom that support has been very valuable. At the same time, students without family or domestic support are especially vulnerable and where they experience sexual assault will require particular care.
- 4.3.2. Some students will arrive at University having already experienced sexual assault or sexual abuse. There are only very limited circumstances in which information about those experiences would have to be shared with the University, although in practice it does happen that the University is made aware. The important point is that in devising and implementing policies and in providing training it should be recognised that students' experiences are far from uniform.
- 4.3.3. Some of those responsible for student support and counselling spoke of their awareness of troubling trends amongst young men in the University environment some of whom have very unhealthy attitudes towards sexual relationships. This is a complex area.
- 4.3.4. At the same time, we also heard quite positive views expressed about an increased sense of confidence amongst some young people and a willingness to be forthright in challenging bad behaviour.

### 4.4. *Geographic and cultural diversity*

- 4.4.1. There is a significant number of international students at the University. In some cases, there are real cultural and linguistic barriers and these are likely to inhibit reporting. I have heard that in some cases international students have particular vulnerabilities and, where they experience gender-based violence, will require sensitive and intensive support.
- 4.4.2. Some students come from countries and cultural backgrounds in which attitudes about the role of women and about sexual relationships tend not to accord with the values of the University. If a person does not appreciate that gender-based violence, of whatever form, is unacceptable then that presents a risk, or it may mean that there is a barrier to reporting.

#### 4.5. *How to respond – a three part approach*

4.5.1. How does a university meet all of these various needs and regulate behaviour in a fair and consistent way? There are three strands. These are interlinked and are covered in the following chapters.

- Induction, education, awareness raising
- Care and support
- Conduct procedures

4.5.2. All three of these interlinked strands are important. However, in one significant respect, it is essential that a proper distinction is observed amongst these different functions. The University responds to reports of gender-based violence in two different ways. In the first place, it offers care and support, whether through first responders, security officers, counsellors or others. For that support to be effective and sustaining, the person providing it needs to be open, empathetic, available and ready to listen. If a person makes a disclosure of sexual assault, an appropriate response will be to accept what is said, not to affirm that it is true, but to provide care and support. Providing care of this kind relies on good training and excellent awareness of the needs of a person who has sustained trauma.

4.5.3. The second way in which the University responds is to provide a framework within which reports of sexual violence and sexual harassment can be investigated and subject to a misconduct process. Members of staff who work in that service also require to be both skilled and sensitive. They also need to be very alert to the needs of people who have experienced trauma. However, what they do is different. They operate a system which has to be impartial. It is not their job to provide emotional or other support to reporting students. If a person who works in the conduct team acts in a way which gives an impression that he or she believes that what a reporting student says must be true, or which might suggest favouring one person or another within the process, then that process is damaged.

4.5.4. The University ought to keep in mind the distinctions between these functions. However, whilst they remain distinct, it is equally important that there are proper connections between them. It is absolutely essential that members of staff working in each area understand each other's roles. The need for that is obvious. It is highly likely that a student who has made a report of sexual violence, and who is therefore within the conduct system, will also be in need of high-quality support, perhaps in particular through counselling. A first responder who is working with a person disclosing a recent sexual assault will need to be able to explain quickly and accurately what will happen if that person reports that as misconduct. Likewise, the member of staff in the conduct team who is alert to the fact that a student involved in that system is in distress will need to know what to suggest in terms of contact to obtain support.

4.5.5. Within the provision of care, as discussed above, there are multiple means of response. At present, these are relatively informally coordinated. Sharing information relies, at least in part, on good working relationships and a willingness to spend time making connections with individual cases. There is at present no single person working at an operational level taking responsibility for ensuring that there is a systematic approach to managing information about incoming cases and the associated safeguarding risks. A system exists but it depends on quite senior members of staff relaying information to each other on a case by case basis. This is risky because, as discussed above, without a dedicated system covering all aspects of the support the University provides, there are dangers of cases falling between the cracks. These are not just cases; they are people, often with vulnerabilities, in need of support.

4.5.6. I understand that this gap has already been identified and that consideration has been given to how it should be filled. I am aware that in May 2022 a proposal was made in the gender-based violence and sexual harassment action plan to create the position of a safeguarding officer, who would sit between People and Organisational Development and Student and Academic Services. The value of having a person in that position is obvious. Safeguarding is a vital part of the work in the conduct team as well as in student support. Where there is a report of sexual violence, a risk assessment will be an essential and demanding exercise. Where a report comes in with sparse but concerning information, assessing that quickly and responding to safety concerns is also essential. These elements are, at present, insufficiently connected. One part of that is the online reporting mechanism. The present management of that relies entirely on a few very senior members of staff having time to respond case by case. The action plan, with the proposal of a safeguarding officer, appropriately resourced and supported, sets out a way to deal with that. The necessary work is already being done within the University. That work ought to be brought forward and that role implemented.

## 5. STUDENTS: INDUCTION, EDUCATION, AWARENESS RAISING

### 5.1. *Introduction*

5.1.1. Along with academic research, education is one of the core functions of the university. That has always been the case, in terms of education towards – and the conferment of – academic degrees. However, increasingly there has been a consensus across the sector that the education provided by universities is wider. Undergraduate students are learning how to live as young adults and there is an opportunity to contribute positively to their development.

5.1.2. We have heard from a variety of contributors about the various steps taken by the University regarding this aspect of its educational output.

### 5.2. *“Consent training”*

5.2.1. The University, in collaboration with the Student Representative Council (SRC), has recently introduced an online Moodle module which has been referred to as “consent training”. This label is a convenient shorthand; the content of the training goes wider than the strict issue of legal consent and deals with wider matters relating to gender-based violence more generally. The University is not alone in developing content such as this; I understand that a similar course has been rolled out recently at the University of St Andrews.

5.2.2. The Moodle module is accessible through the University’s internal Digital Learning Environment. I understand that all students and staff have access to the course. It has been developed with the assistance of Rape Crisis Scotland. The module includes written content and quizzes covering issues including: (i) what is gender-based violence; (ii) case studies relating to gender-based violence issues; (iii) consent and healthy relationships; (iv) what you can do to tackle gender-based violence. It includes references to various other relevant resources. The module states that it ought to take 40 minutes to complete but experience suggests it takes less time.

5.2.3. In principle, there is little to criticise about the provision of educational materials in relation to gender-based violence and consent. Students come with a variety of experience. Many are still teenagers. There is value in providing education on these issues for at least two reasons: (i) for the benefit of students, in helping them to understand these issues; and (ii) for the University, in making clear the standards it expects students to hold themselves to. The provision of a training module which requires active engagement is likely to be more effective in

communicating those standards than simply providing a link to the University's Code of Student Conduct.

5.2.4. I have noted two main areas of criticism or controversy in relation to the University's consent training. First, should the training be compulsory for all incoming students? Secondly, does the training go far enough in effectively communicating what it is intended to?

*Should it be compulsory?*

5.2.5. I understand that, at present, all incoming students are expected to complete the consent training prior to matriculating. A student can opt out of the training on a "no questions asked" basis. That is designed to provide an opt-out for students who may have had experiences which would lead to the training being a trigger for further anxiety.

5.2.6. We have heard conflicting views as to whether the training ought to be compulsory. The SRC considers that the course should be compulsory, absent any good reason not to complete it (such as previous trauma). One can plainly see the basis for such an approach. The University considers gender-based violence and issues relating to consent and relationships to be important. If the training were to be voluntary and require the student to opt in, engagement would likely be low. I do not imagine that 18 year olds spending their first weeks at university are anxious to complete more training than the bare minimum required. One contributor suggested that, in the same way that there are compulsory modules on academic writing, the consent training should be compulsory so that students "learn in spite of themselves".

5.2.7. In addition, there may be benefit in having a compulsory system with regard to the second function of the training: communicating standards. Part of the training's function is to communicate to students what types of behaviour will be considered unacceptable by the University. In such circumstances, it is important to spread that message as far and wide as possible. It means that should any conduct issues arise in the future, students cannot suggest they were unaware of the University's views of certain behaviours. In the same way that a student caught plagiarising cannot plead ignorance, when academic standards have been clearly communicated to them, neither should the student accused of sexual misconduct in breach of the Code of Conduct be able to say "I didn't know this was misconduct". That is all the more important if the University chooses to regulate conduct which is wider in scope than the criminal law.

5.2.8. We have heard from others who have expressed concerns about a compulsory system. Firstly, there is the concern about the effect on trauma-informed students. It would be unfair and potentially harmful to have such students sit through content relating to sexual violence. We have heard from a number of such students who considered that it would not have been in their interests to complete the module. This can, in

theory, be addressed by allowing students to opt out. However, a number of contributors noted that this was open to abuse. Students do not need to give a reason for opting out. Accordingly, there is no way to tell that those who decline to carry out the training are doing so because of previous trauma or for other reasons. If further information is required to obtain an opt-out, that would likely put trauma-experienced students in a potentially embarrassing or upsetting position.

5.2.9. On a separate (although related) point, we have heard the view expressed that compulsory consent training may give a sense of foreboding for those arriving at the university. There is the potential that if one of the first communications from the University, before classes have even started, is perceived to be about the dangers of sexual violence, that may lead incoming students to feel intimidated or overly anxious about these issues. The answer may be that this is a price worth paying to achieve a more important goal, but the objection should at least be considered and treated seriously.

5.2.10. There are other questions. If consent training is to be compulsory, must it be imposed on all new students regardless of age or experience? Some undergraduates and many postgraduates are mature students. Is it proportionate, or even realistic, to insist that a 40 year-old who is married or in a long term relationship undertakes an introductory course about sex and consent? It would be difficult to differentiate on the basis of age, since an older, married person may also be a serial abuser

5.2.11. Further, gender-based violence is one issue amongst others. Is it proportionate to impose consent training on everyone when, for some people, other issues present more of a danger, such as alcohol or drug abuse? It may be suggested that anti-racism training, for example, is also important and if one form of training is to be made compulsory then others may follow. A decision about compulsory training should be made in a strategic way rather than issue by issue.

5.2.12. Ultimately, this is a policy decision for the University. In my view, whilst recognising the benefits of providing this training, and especially the benefits in helping students understand what is expected of them, I do not consider that it is ought to be made compulsory. Obliging all students, including those who have already experienced sexual trauma, to undergo training could be harmful for some, even with a form of opt-out. I am not convinced by the argument that it is necessary to prevent perpetrators pleading ignorance. This is not about the University covering its back.

### *Content of the training*

5.2.13. We have, again, heard conflicting views on the content of the training. Many have been supportive of the intentions of the training and consider the content to be an important step in educating young people about gender-based violence issues. Others have been more critical. We

have heard from a number of people who took the view that the training was good for what it was worth but that it was too simple and easy to complete. The module largely involves reviewing various written passages and completing short quizzes. It would be relatively straightforward to complete without engaging critically with its contents. Put bluntly, one contributor told us: “a series of Powerpoints is not going to stop anyone assaulting anybody”. One student candidly told us that they could complete it by simply clicking through to the end of each section. In such circumstances, does having a training module (compulsory or not) carry much value?

5.2.14. Those criticisms may have some force, and there is always the potential for more detailed and comprehensive content. However, at least some of the criticism may be targeting the wrong issue. It is probably fair to say that no-one who is determined to carry out a serious sexual assault will be dissuaded by the completion of a Moodle module but I am not sure that anyone within the University is making that argument. A large number of cases considered in this review (and in the wider context of the criminal courts) relate to conduct beginning in a consensual context before developing into something unwanted. In at least some of those cases, the perpetrators did not set out intending to carry out a criminal act; in other words, there may be a lack of understanding of issues relating to consent. If the training is able to convey to those students a good understanding of consent, there may be significant value, even if it cannot prevent all misconduct. Ultimately, for those who engage with the training in good faith, it is likely to have at least some communicative value.

### 5.3. Campaign work – awareness raising

5.3.1. The University makes available information about gender-based violence on its website. This is presented in a reasonable way, although the emphasis is on what should be done in response to issues that arise. There is good information about sources of support. There is less emphasis on prevention.

5.3.2. For the most part, in relation to raising student awareness, responsibility largely falls on the SRC. The SRC takes a significant role in campaigning work in relation to gender-based violence and in providing information. It has developed a sexual violence workshop in conjunction with Rape Crisis Scotland: *Let's Talk About Sexual Violence*. The programme considers the impact of sexual violence, issues relating to consent, bystander intervention and where to find further sources of support. The programme is open to all students at the University, and it is voluntary. In addition, the SRC runs *Mind Your Mate* workshops, which deal with issues of mental health awareness and suicide prevention.

5.3.3. In my view, there is scope for the University to take more responsibility for awareness raising work in relation to gender-based violence. There



are advantages in the SRC taking that role since it is likely to be able to do that in an accessible and perhaps more informal way. Conveying information and advice peer-to-peer may be compelling in a way that the University itself cannot achieve. However, there is room for both. It is important for the University not just to fund work done by the SRC but also to make it clear that it has a firm position on gender-based violence being unacceptable. That message is obviously present, not least in the existence of policies and the Code of Student Conduct, and in the basic information contained on the University website. It is a message, though, that can be communicated in other ways, for example in providing information in halls of residence. Where awareness raising is led by the SRC, making it plain that it is fully endorsed by the University itself is likely to strengthen the message.

5.3.4. The University has recently launched a very visible anti-racism campaign. No doubt the University will wish in due course to assess the effectiveness of that campaign. Depending on that assessment, it may be a useful model for developing an awareness raising campaign about gender-based violence.

#### 5.4. Awareness of options for reporting

5.4.1. The University's support systems for those who have experienced gender-based violence are discussed in detail in the next chapter. However, it is important to note that the value of those systems is, to a large extent, dependent on students' awareness of them. A system cannot provide support to students who are not aware of it.

5.4.2. Reports about the awareness of the University's online reporting tool were mixed. A number of students told us they were not aware of the tool, or that they were unaware of how it works. For example, some were not aware that anonymous reports could be made. Others have suggested it is well-publicised. The tool is readily accessible from a Google search for "Glasgow University report sexual assault". The University's Safe Zone security app has around 6,000 users, which would represent just over a fifth of current students (assuming all users are current students).

*Recommendation (2). The University should continue to work with the SRC with a view to (a) ensuring that there is appropriate funding for the SRC's own work in awareness raising in relation to gender-based violence, and (b) agreeing a strategy for joint working, whether through campaigns or publishing information, which communicates what gender-based violence is and how it is dealt with.*

*Recommendation (3). The University should support the SRC in developing appropriate training and other resources in relation to sexual conduct and consent matters. Mandatory training should not be considered to be essential.*

## 6. STUDENTS: CARE AND SUPPORT

### 6.1. *Introduction*

6.1.1. The University is a large, decentralised organisation. Students interact with the institution at various levels: within their own course, at a School level, a College level or a University-wide level. Their engagement with the University takes place through academic bodies but they may also interact with non-academic departments, such as University Security or the accommodation services. This chapter provides a review of the various services which support students in the context of gender-based violence issues.

### 6.2. *Preventative work: safety*

6.2.1. There are some basic and important steps that the University can – and does – take to promote safety. A very good example is the Safe Zone app, a free online facility which allows students and staff to make contact with University Security and to obtain immediate help and support, whether for general assistance or in emergencies. I have seen the Safe Zone app demonstrated. It is an impressive resource. It has been introduced relatively recently (in September 2020) and there has been a good response, with approximately 6,000 students having downloaded the app. Although information about it has been made available, not everyone is aware of its existence or usefulness. As more people gain familiarity with it, it ought to become something which is reliable and reassuring for those who find themselves in dangerous or uncomfortable situations.

6.2.2. There is an awareness of the need to promote physical security. I did receive some representations, not from within the University, to the effect that there are serious problems for women in relation to personal safety in the general area, in particular at night and caused by predatory men. The University exists within the wider city and there is a limit to what it can do to ensure, for example, that there is adequate lighting in all public outdoor areas which are commonly used by staff and students. Of the concerns which were brought to us about security, we heard very little indeed from students themselves about safety in the sense of streetlighting or personal safety when out and about in the University area. Those concerns may exist but they were not amongst the priorities identified.

6.2.3. I do not discount the need to work with other authorities, specifically Glasgow City Council and Police Scotland, to improve physical security and to make the broader environment a place where all students feel comfortable walking at any time of day or night. That is important. However, the consistent theme of representations made in the course of this review was that the threat of gender-based violence to women in the

University comes largely from men whom they know, whether socially or in a shared flat or from their studies, or from men in other social situations, especially events in clubs or other settings where alcohol is involved.

6.2.4. Responding to the needs of students who are worried about gender-based violence takes a variety of forms. Examples of situations where students might come forward seeking help might encompass situations in which they wish to report something which has happened previously, or in which they have current experience and require immediate help, or where they are unsure about the nature of behaviour in a relationship. Although there are recognisable themes, each case is different and it is important that, within the University's systems, there is sufficient flexibility to respond to a variety of needs. At the same time, it is essential that there are proper connections and a consistency in the quality of the response.

6.2.5. When problems arise, where do students go for help within the University and how good is the response?

### 6.3. *University Security*

6.3.1. In the course of interviews, we heard a good deal about the role of University security officers and the work done by the security team. This is a team with strong and committed leadership, especially the Head of Security, and it is well placed to deal with crisis situations when they are brought to its attention, with a good awareness of reporting options, including an understanding of police processes. Members of the security team receive appropriate training in relation to gender-based violence and mental health first aid and one member of the team acts as a first responder.

6.3.2. As a matter of fact, very few cases of sexual assault or other forms of gender-based violence are reported immediately and directly to the security team.

6.3.3. University security can be an immediate point of contact in a crisis. They are available 24 hours per day. The availability of emergency security support is especially important for a person who has been assaulted very recently or who fears being assaulted or is otherwise in danger or frightened. It appears that that sort of support is called upon only very rarely. It is available and we heard no complaints about the provision of that support.

6.3.4. University security can also help individual students by providing support after an incident of sexual violence or sexual harassment, or when a student has longer term concerns about intimidatory or threatening behaviour, for example by helping to work out a safety plan

and giving advice about security in accommodation. The security team oversees and promotes the use of the Safe Zone app.

6.3.5. Members of the University security team are also involved in giving advice to student unions about the safety of their buildings. The Head of Security works closely with Police Scotland.

6.3.6. The evidence available is that University security works well and is reliable. There is a strong sense of commitment in the team, and especially on the part of the Head of Security, to student welfare generally and a well-informed understanding of the needs of people who have been subject to violence or abuse. There appears to be a good understanding within the security team of how to provide support without risking tainting a future police investigation. Of course, University security, and measures dealing with physical safety, can only ever be part of the picture, but they are an essential component.

#### 6.4. *First Responders*

6.4.1. The University has a network of people who are trained as first responders. First responders are experienced members of staff who have volunteered for this role and who have received specialist training to equip them to provide immediate support where students wish to report sexual violence or sexual harassment. The explanation given on the University website about their role is clear and helpful:

“... they have been trained to listen to you empathetically and without judgement while you seek support in disclosing issues surrounding sexual violence and harassment.

“They will provide you with information on the options available to you internally and externally if you have been affected directly or indirectly.”

6.4.2. Further information is provided to explain what happens when a meeting with a first responder takes place, and what use is made of confidential information. The contact details for the first responders are clear and accessible.

6.4.3. In addition to the first responders who are available to students there is a dedicated team of first responders whose role is to provide support to members of staff. As at May 2022, 33 members of staff had received first responder training, with plans in place for further recruitment.

6.4.4. First responders have received good training from both internal and external sources. That includes an overview of the new non-academic conduct procedures, as well as training from Rape Crisis Scotland on gender-based violence, its prevalence and relevant law and information on good practice in listening to those making reports of gender-based violence. In addition, the University has worked with Police Scotland, who have also contributed to first responder training with extensive

relevant materials. As well as training, there are in place written guidelines to support the work of first responders.

6.4.5. In the course of this review, I have seen numerous references to first responders both in policy materials and also in documents relating to specific cases. I am aware that they are active in providing support in cases where there are reports of sexual violence or sexual harassment. Whilst I have had relatively little direct information from people who have either sought out a first responder or who have been put in touch with a first responder by someone else, I have seen no evidence to suggest that there are any major difficulties with this scheme. On the contrary, the records that I have seen show that, where they are involved, first responders have acted quickly and appropriately. Where I have discussed the role of first responders with those who have had direct or indirect experience, the view has been positive.

6.4.6. The first responders represent an important resource for the University in addressing gender-based violence. Those who volunteer to serve in this way are valuable. I understand that there are plans to expand the number of first responders. It will also be important to increase the level of awareness amongst students of the availability of first responders, and amongst staff of the fact that the University provides a reliable source of support to students who are affected by sexual violence and sexual harassment.

## 6.5. *Respect Advisers*

6.5.1. There is also an extensive network of respect advisers. Whereas first responders are trained to deal with reports of sexual violence or sexual harassment in particular, the role of the respect advisers is broader and covers harassment and bullying more generally. The explanation given on the University website is that:

“Respect advisers are volunteer members of staff who have been trained to offer confidential, impartial, one-to-one advice and support to people having issues with harassment or bullying. They can help staff and students feel supported, gain a better understanding of their rights and options.”

6.5.2. They provide a listening service and can also help with guidance and advice on the courses of action available. In some cases, they may be able to facilitate informal resolution in cases of harassment. They may also identify and refer serious allegations to the appropriate University authority.

6.5.3. Training is in place for those who volunteer for this work and there is a continuing programme of recruitment of respect advisers.

6.5.4. In the course of our discussions, we have met a small number of people who have had reason to speak to a respect adviser. In the main, those who have taken this course have found it helpful and supportive.

In some cases, it may be a means for an individual to test whether he or she should take further action. That is a very useful function, provided the respect adviser is properly equipped with relevant information. I have not encountered cases where respect advisers have encouraged or facilitated the informal resolution of issues. That is probably not surprising; in cases involving gender-based violence, other than of the most trivial kind, it is not considered appropriate to try to achieve informal resolution.

## 6.6. *Online reporting*

6.6.1. In 2020 the University introduced a new online reporting tool. This tool is specific to the University of Glasgow. A number of other universities have chosen to use an online reporting platform from an external provider, Culture Shift. The reporting tool is easily accessed on the University website.<sup>7</sup> It provides a simple and accessible mechanism allowing any student or any member of staff to log an issue. The information provided on the website is clear and sets out a series of questions and well-explained answers. There is a drop down menu allowing a person making a report to identify a subject matter. The self-identified causes of report are:

- Bullying
- Harassment
- Sexual harassment
- Sexual violence
- Discrimination
- Victimisation
- Race related
- Other

6.6.2. The reporting party may identify multiple responses, if appropriate. The nature of the cases varies. The range covers everything from the trivial to the very serious.

6.6.3. In the period between December 2020 and May 2022, there were in total 178 incident reports. There were 42 references to sexual harassment and 57 references to sexual violence. A reporting party has the option to identify multiple responses.

6.6.4. The online tool is very straightforward. It generates a message which goes to a small team of senior members of staff. They operate a rota system to deal with incoming cases. Until relatively recently, the staff team dealing with reports was limited to the University Secretary, Executive Director of Student and Academic Services, Director of Student Support and Wellbeing, and Head of Equality, Diversity and Inclusion. More recently, that team has been expanded to include the

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<sup>7</sup> <https://www.gla.ac.uk/myglasgow/students/safetyhealth/report/>

Head of Wellbeing and Inclusion and the Head of the Complaints Resolution Office.

- 6.6.5. The system is easy to use. The volume of incoming reports is quite modest. There is clearly some awareness of its existence, although some students with whom we spoke did not know about it.
- 6.6.6. Behind the reporting function, there is an ability to record on the system the steps that have been taken to respond to the report. That allows other members of staff to see what action has been taken and to take follow up steps if necessary. On the whole, the online reporting system works well, although within the last year there have been a very small number of instances in which reports were missed. Fortunately, in each case the delay in the response did not have serious consequences.
- 6.6.7. Although the system generally works well, there are two significant qualifications. The first is practical. Whilst information can be recorded in a way that allows other members of the team access to clearly visible notes, practice is not consistent. In some cases, there is no visible record where a team member deals with matters by email, which is not then saved on the system. This can result in confusion and wasted effort.
- 6.6.8. The second issue is structural. Incoming reports are being dealt with at a very senior level. I was surprised that members of University staff of this seniority are, in essence, dealing with casework and in some instances very basic casework. In the first place, they already have demanding and time-consuming responsibilities. It is not obvious that these are the right schedules into which time can be fitted to attend to reports which may or may not be trivial, or which may necessitate an immediate response involving lengthy discussions.
- 6.6.9. In addition, if matters are dealt with at that level then it becomes difficult to escalate them and creates potential problems if a complaint is made subsequently.
- 6.6.10. A more proportionate and effective scheme would allow for the right sort of triage work to be done at a lower level by someone with specialist skills who can call on more senior colleagues for advice in dealing with unusual or particularly challenging cases.
- 6.6.11. There are in existence within the University good systems for responding to students raising concerns for the first time in other ways, for example, through direct contact with first responders or self-referrals to the counselling service, and these are dealt with at an appropriate level. There is no reason, in principle, why reports made online should require an immediate response from very senior members of staff. It is, of course, important for senior staff to maintain an awareness of the number and nature of reports that come in and to be alerted to any that

are extremely serious or which are likely to raise wider issues for the University. That is not the same as day-to-day work.

- 6.6.12. I understand that proposals have been made for the introduction of a safeguarding manager whose duties would include the handling of information coming in through the online reporting tool. I refer to this role in paragraph 4.5.6. There is an opportunity for a person in that role to develop an oversight function to ensure that there is a coordinated response to all safeguarding issues, regardless of the means by which they come to the University's attention.

### *Anonymous reporting*

- 6.6.13. It is possible to submit a report anonymously. Approximately 20% of reports are submitted anonymously. The information on the website makes it very plain that if a report is anonymous "we will have no way of knowing who submitted the report so no one will make contact with you". There is also an explanation that anonymous reports can sometimes help to provide an impression of issues arising in a particular part of the University or across the University as a whole. There are also accessible and comprehensible statements about confidentiality and privacy more generally.

- 6.6.14. Some people expressed concern about difficulties associated with anonymous reporting, including the risk that it may be impossible to respond to a serious incident, and, separately, the risk that without means of verification the system might be abused. In my view, the very clear information given by the University reduces the first risk. In relation to the second, there is no evidence of that having happened and, were that suspicion to arise, the University's investigative processes are likely to be sufficiently robust.

- 6.6.15. Ideally, all students should have the confidence to report incidents using their own names, but people may be anxious about that for a range of reasons, not necessarily just a lack of confidence in the University keeping their data safe. The fact that there are some anonymous reports is not in itself an indicator of failure. Were there to be a large proportion of such reports, that may be a cause for concern, but that is not the case at present. Anonymous reporting may be a useful safety valve. The University's approach, and the information provided, in my view set the right tone.

### *6.7. Student Support Officers*

- 6.7.1. The University employs approximately 16 people as student support officers. Student support officers are relatively new, the posts having been introduced following a pilot in 2019. Their role is to provide support and advice to students, primarily in helping them resolve their difficulties and in signposting them to other sources of information, whether relating



to their studies or their wellbeing more generally. They work at a relatively junior level and operate as a first line of support for students. Enquiries cover a wide range of matters, from minor practicalities to more serious matters. In relation to reports of gender-based violence, student support officers would not be expected to deal with those directly but to make an appropriate referral, most likely to a first responder. Having said that, there are circumstances where a student seeking help related to sexual violence or sexual harassment will contact a student support officer and it is important that they are properly equipped to deal with those situations.

## 6.8. *Counselling and Psychological Services*

- 6.8.1. We have had a number of discussions with people responsible for the oversight and provision of counselling services to students. We have also had discussions with students who have sought and received support from the University's counselling service.
- 6.8.2. The University's counselling service is open to self-referral, although students may also be directed towards counselling provision when in contact with others in the University's systems, including first responders, academic staff or those providing information about non-academic conduct procedures.
- 6.8.3. In the last two years, a good deal of time and effort has been invested in improving waiting times for counselling and, as a result, the University is now able to offer counselling within very reasonable timeframes and significantly faster than comparable counselling provision based on an NHS referral. There is a system for prioritising cases according to the level of risk and there is a triaging assessment at each stage. Where there are no risk indicators, in the academic year 2021-22 the average waiting time to the first appointment was 14 working days. That represents a real improvement over the position in 2018-19, when the comparable average waiting time was 25 working days. Moreover, the total number of registrations for counselling has increased. In the academic year 2018-19 there were 2737 registrations. For the academic year 2021-22 (as at 31 August 2022) there were 3304 registrations. (For present purposes, I have disregarded the figures for the intervening years because these were affected by the coronavirus pandemic.) That the University has succeeded in reducing waiting times for counselling provision whilst dealing with an increase in demand is very impressive.
- 6.8.4. The University has recently appointed a specialist gender-based violence counsellor. She works part-time. There has to be a waiting list system and the aim is that everyone should be seen within three months. In any two-month period, there will be eight people receiving specialist counselling of this type. Referrals may be made in a number of ways, but typically the route is through first responders. She also offers a drop-in service one day a week through the SRC. Although the specialist

counsellor has only been in post for a relatively short period, it is possible to discern some trends. There has been an increase in the number of referrals made. Although some involve historical abuse or trauma, the majority relate to more recent incidents and, typically, referrals come quite quickly after something has happened. The specialist gender-based violence adviser was able to provide me with valuable information, on an entirely anonymous basis, about the experiences of those affected by gender-based violence in the University.

6.8.5. We also heard from a number of people who had been provided with counselling including specialist gender-based violence counselling. For the most part, those who had received counselling spoke in positive terms about that experience and, in some cases, with warmth and gratitude. Where there were criticisms, they tended to relate to delay in receiving counselling once a referral had been made, but in those cases the experience was some time ago and it is unlikely that those problems would recur under the present arrangements. However, in relation to specialist gender-based violence counselling, there were anxieties about the length of the waiting time.

6.8.6. There should be an increase in the provision of specialist gender-based violence counselling. The person currently providing that service works part time. The work that she carries out is valuable. An increase in provision would allow waiting times to be cut.

## 6.9. *Disability Service*

6.9.1. The University's Disability Service is not explicitly a service aimed at victims of gender-based violence. It is designed to provide tailored support to students with disabilities, in order to ensure they have the best learning experience possible and to put in place reasonable adjustments. Students are provided with a disability adviser who can provide advice as to what adjustments might be available and are also able to advocate for students in discussions with other parts of the University.

6.9.2. A number of students we have spoken with were very positive with regard to the service provided by the Disability Service. Clearly it is not a support available to all students (I understand that there has to be a diagnosis from a medical practitioner in order to access the service), but for those who do, I am told that the disability advisers are supportive and pro-active in assisting students to navigate any difficulties in their university careers. This positive feedback has come from students, including those who have suffered gender-based violence and have an unrelated disability.

## 6.10. *Advisers of Studies*

- 6.10.1. Every undergraduate student is allocated an adviser of studies, who will be a member of academic staff. Advisers of studies oversee and support a student's progress. The expectation is that the adviser of studies will be a student's first point of contact in the event of any difficulties, whether those relate to academic or personal concerns. Students are asked to let their advisers of studies know if they experience any health difficulties or family or personal problems, especially if they are likely to affect attendance at classes or examinations.
- 6.10.2. Given the huge number of people who serve as advisers of studies, it is not surprising that the experiences that students have when reporting personal concerns will vary. Some, but not all, advisers of studies have had training to assist them in carrying out that role. However, all do have available to them written guidance on what they should do in the event that a student makes a report of assault, harassment, violence or discrimination. That guidance is set out in a clear, step-by-step format and allows an adviser of studies to provide details of available internal or external support.
- 6.10.3. Many of the students who spoke to us about their experiences relating to sexual violence or sexual harassment had, at some stage, been in touch with their advisers of studies. Some spoke with real appreciation for the help given. Clearly, some advisers of studies do provide meaningful support in a sensitive way. Others had a different experience. Where there were criticisms they tended to relate to inaction on the part of the adviser of studies.
- 6.10.4. We also spoke to various members of academic staff who had experience of acting as advisers of studies, generally, if not specifically in relation to dealing with reports concerning sexual violence. On the whole, they were confident that they had, or would have, access to sufficient and appropriate information. Awareness of the availability of first responders was generally good.
- 6.10.5. A recurring theme from students who had suffered gender-based violence was a frustration at having repeatedly to inform different members of staff about the difficulties they had encountered. For example, in circumstances where their experiences had affected their academic work, students noted having to submit repeated "good cause" applications for different courses in which they had to "re-disclose" intimate and upsetting information. We have also spoken with staff who were surprised that they had not been told about relevant safeguarding information that was available to one part of the University but which had not been fed through to them. The Adviser of Studies seems to be an obvious central gateway for such information to be provided and then disseminated to other relevant parts of the University, as opposed to the onus lying with students to raise these issues on multiple occasions.

That, again, is likely to rely on staff being properly trained both in relation to responding to need and also in data sharing obligations. It would assist Advisers of Studies for there to be clear guidance on taking the “who needs to know” decision. Advisers of Studies already have access to information to support them in responding in an emergency but this is distinct. Consistent practice on sharing sensitive information in order to protect student welfare is important. Data protection and privacy issues need to be considered, but making sure that information is shared with the right people is just as important as ensuring that it is not shared with the wrong people.

#### 6.11. *Student Representative Council and the Student Advice Centre*

6.11.1. The SRC provides advice to students through the Student Advice Centre, where there are four permanent members of staff carrying out that role. They are responsible for the provision of advice over a very wide range of subjects. Of particular interest for the purposes of this review is the work that they do in helping students who either wish to report incidents of gender-based violence and to make a complaint, or who have received notice of a conduct complaint made against them.

6.11.2. The nature of the advice provided extends from preliminary information about a student’s options through to accompanying and representing a student before a Non-Academic Conduct Committee.

6.11.3. In the three years between May 2019 and May 2022, the Student Advice Centre dealt with a total of 52 cases involving gender-based violence. Of those, a substantial number (20) involved giving information or advice to a third party, which includes responding to enquiries or providing information to support research. In three cases, the Student Advice Centre provided a student with a personal safety alarm. That leaves 29 cases in which there was a report of gender-based violence. In 25 of those, the Student Advice Centre provided assistance to the reporting student. In four cases, it provided assistance to the responding student.

6.11.4. The Advice, Policy and Training Officer at the Student Advice Centre was able to provide me with useful and objective information about non-academic conduct processes. It was especially interesting to learn about the experience of communication from the University about progress in conduct cases.

6.11.5. Those working in the Student Advice Centre have a high level of experience and a knowledgeable and sensitive approach both to issues of gender-based violence and to the demands of advising and representing students involved in the University’s processes. The Student Advice Centre also makes available to students a good deal of written information on these subjects, both in leaflets and especially online. Some of the leaflets are now out of date. The leaflets which the

SRC makes available containing brief and basic information about the University's student conduct procedures date from 2016. Overall, this is a well-established service that is able to respond to students' needs in a proportionate and helpful way.

- 6.11.6. One of the critical issues arising in relation to the Student Advice Centre is that, in any single non-academic conduct case, it is only able to provide advice and support to either the reporting student or the responding student, but not both. Those who work at the Student Advice Centre have a concern, which, in my view, is legitimate, that their small size and the nature of their operation are such that advising two (or more) students whose interests are opposed would put them in a position of conflict. The staffing capacity is limited which means that, from time to time, members of staff have to cover each other's cases. Whilst in principle it might be possible to adapt their operation to allow for a division in responsibility, thereby reducing the risk of a conflict of interest problem, the practicalities mean that that would be very difficult. The reality is that it is a first come, first served arrangement.
- 6.11.7. Generally, those who were or are involved as members of Senate Student Conduct Committees spoke highly of the Student Advice Centre and the quality of the support provided to students in the conduct process. That approval was, in some cases, slightly qualified but, overall, there is a strong sense that the Student Advice Centre provides proportionate and good quality support. That has to be considered against the fact that the Student Advice Centre can only represent one student in any one case, and that, in most cases in the last three years that has been the reporting student. Advising and representing a responding student presents a different set of challenges.
- 6.11.8. For their part, students who had sought and obtained help from the Student Advice Centre were, for the most part, very positive. They appreciated the support provided. A small number expressed frustration, either because they could not get support from the Student Advice Centre, the 'other' student having got in first, or because they were unhappy with the advice provided or because of delay.
- 6.11.9. Students who are involved in non-academic conduct cases may not be aware that the Student Advice Centre can only advise and support one 'side'. In some cases, they may be made aware that that is the case, perhaps when speaking to a first responder or to the SRC. I have been told of at least one case where a student wishing to make a report was advised to get to the Student Advice Centre quickly so as to get in first.
- 6.11.10. If that is understood to be the position then it is likely, though not invariable, that the reporting student will have the benefit of advice and support from the Student Advice Centre and that the responding student will not. This is a very unsatisfactory situation. I discuss this matter further in chapter 8.

## 6.12. *The Rector*

6.12.1. The Rector holds an important position within the University and it is part of her role to represent the interests of students in working with the University Court and University managers. She is also available to students who wish to speak to her and she holds surgeries. I found it surprising that a relatively small proportion of the students with whom I spoke were aware of the role of the Rector and that, of those who had been in a situation in which they needed advice or support, very few had considered approaching the Rector.

6.12.2. The Rector may not be in a position to provide extensive advice and support in multiple individual cases, although her door is open to any student who wishes to raise concerns. It appears to me that, in circumstances where students have concerns about sexual violence or sexual harassment, either because of a situation affecting them directly or because of concerns about policy or the functioning of the conduct system, the Rector has a meaningful role.

## 6.13. *Chaplaincy*

6.13.1. The University Chaplain also has an important role in providing care and support to people facing crises and challenges of various kinds. In a large and complex organisation, especially one in which people come from a wide variety of backgrounds, there is real value in there being an opportunity to speak to someone in confidence who is not closely connected to any dedicated staff structure. The Chaplain is very well informed about all sources of support, has a sensitive understanding of issues relating to gender-based violence and is in a good position to guide people seeking help, regardless of their faith.

*Recommendation (4). The management of the online reporting tool should be reviewed and measures put in place to ensure that the first line response to reports is handled at a suitable level. The current arrangement, whereby the immediate response to every report relies on a very senior member of staff taking action, must be reconsidered.*

*Recommendation (5). The University should ensure that all information submitted through the online reporting tool and actions taken are recorded consistently.*

*Recommendation (6). The University should implement existing plans to introduce a safeguarding manager, with a suitable team, to take responsibility for overseeing the response to all safeguarding issues arising, whether those come from online reporting or from elsewhere. The responsibilities of the safeguarding manager would not be limited to responding to reports of gender-based violence but it should be anticipated that such reports would form a substantial part of the workload of that person.*

*Recommendation (7). The capacity of the University counselling service should be increased to allow for an expansion in the provision of specialist gender-based violence counselling.*

*Recommendation (8). The University should review the advice, support and training that it provides to members of staff whose responsibilities include, or may include, responding to disclosures of information about gender-based violence. In particular, such advice, support and training should cover data handling and the proportionate communication of sensitive information with a view to ensuring that students do not require to make repeated disclosures of such information.*

## 7. STUDENT CONDUCT: PRINCIPLES AND THE CODE OF STUDENT CONDUCT

### 7.1. *Conduct: principles*

- 7.1.1. In order properly to assess how the University is handling student conduct matters it is important to understand why a university regulates student conduct. On what basis does the University apply rules and impose sanctions? What are the limits on what it can do? How does that process interact with those elsewhere, including police and criminal procedures?
- 7.1.2. It is self-evident that a university must regulate students' academic conduct. It is essential to the integrity of the academic work that is done and the degrees conferred that a university prohibits plagiarism, for example, and prevents cheating in examinations. Those who are found to have broken the rules will be penalised, to the extent of expulsion from the institution.
- 7.1.3. It is also generally accepted, although it is less self-evident, that a university must regulate students' behaviour in the non-academic context.
- 7.1.4. Institutions of various kinds impose their own rules in respect of their members' conduct. The professions have in place fairly strict, formal codes regulating their members' behaviour and in some cases that involves an assessment of fitness to practise. The rationale is that it is in the public interest to have confidence in the competence and integrity of doctors or teachers or other professional people. That justification is important as a matter of public safety but also to reflect the elevated position accorded to professionals in our society. The benefits of professional status accordingly come with the responsibility to uphold the regulator's standards. Similarly, there is a public interest in knowing that, for example, police officers and members of the armed forces must observe prescribed conduct standards.
- 7.1.5. Private bodies, such as clubs, will very often have codes of conduct and will reserve the right to exclude from membership those who do not meet agreed standards. That reflects not so much the public interest as a choice by that group that members should be expected to behave in a certain way.
- 7.1.6. A university is not in any of these categories. It is of its own kind, delivering a public good – education – but doing so through relationships with individual students. The University of Glasgow has a fitness to study policy and, in relation to some courses, must consider fitness to practise. These are carefully constructed policies with a protective purpose. Regulating conduct more generally, though, is justified because it protects the wellbeing of the institution as a whole as well as the interests



of those individuals who would suffer were there to be no, or insufficient, checks in place. At a basic level, the University must provide a safe environment for working and studying.

7.1.7. To achieve that, every student, when registering, undertakes to observe the *sponsio academica*, thereby agreeing to conform to the discipline of the University. Adherence to the University Regulations is a term of the contract between the student and the University. University discipline encompasses regulation 33, which contains the Code of Student Conduct, regulation 37, which contains the Code of Practice on Unacceptable Behaviour, and the Dignity at Work and Study Policy and Procedure.

7.1.8. That is reflected in the Code of Student Conduct at regulation 33.1 (as revised in 2021):

“The University has a responsibility to provide a safe and fair environment for its students, staff and members of the public. As part of this, all students are required to behave acceptably and to adhere to the University’s rules at all times.”

7.1.9. In the past, misconduct procedures were devised for and, in the main, used in cases of academic misconduct. There has to be a system to deal with allegations that a student has plagiarised work or cheated in an exam. In such cases, there are objective standards against which conduct can be measured. Historically, the way in which conduct procedures were designed was shaped by those sorts of cases. At the same time, cases of non-academic misconduct require a procedural structure.

7.1.10. Until very recently, the approach at the University of Glasgow was to use the same procedure in cases of academic misconduct and non-academic misconduct. That procedure was set out in regulation 33 in the Code of Student Conduct 2020/21 (“the old Code of Student Conduct”). That was the version most recently in force prior to the change that took place at the beginning of the 2021/22 academic year. That change was quite significant, in that it separated academic misconduct and non-academic misconduct and prescribed different procedures for dealing with each. Those procedures are set out in the Code of Student Conduct 2021/22 (“the Code of Student Conduct”), also at regulation 33.

## 7.2. What behaviour is covered?

7.2.1. The University expects its standards of behaviour to be observed throughout the period of a student being registered.

7.2.2. It is in the nature of student life, perhaps especially at undergraduate level, that it cannot easily be separated into private life and life as a student. For employees, there is a distinction between work and private

life, although for some in a University setting that is necessarily qualified. For students, though, University life covers not just what happens in the lecture theatre, the library or the laboratory but also what goes in halls of residence, privately rented flats, sports clubs, the student unions, societies and informal social events. Whilst some students continue to live in the family home and may have more of a sense of a separation between parts of their lives, for most the University experience is all-encompassing. For that reason, it is important that University discipline has a broad extent.

#### 7.2.3. Regulation 37.2 sets out the aims of the Code of Practice on Unacceptable Behaviour. These are:

37.2.1 To ensure the fair, honest and consistent treatment of all individuals with whom the University interacts, through any means of contact and communication.

37.2.2 To make the University community and members of the public aware of what constitutes unacceptable behaviour and the action that will be taken to manage this.

37.2.3 To ensure that University students and staff do not suffer as a result of the unacceptable behaviour of others and are not placed at risk.

#### 7.2.4. Unacceptable behaviour is defined in this way, and by reference to examples:

37.3.1 It is understood that, in upsetting or distressing circumstances, and in certain forms or stages of ill health, people may act out of character and may become persistent, angry or upset. However, where it leads to aggressive behaviour or unreasonable demands, it is considered unacceptable. Similarly, behaviour which disrupts normal University activities, intentionally or not, is considered unacceptable. Members of the University community are entitled to be treated with respect and courtesy.

The University considers that all forms of harassment constitute unacceptable behaviour. A number of other procedures also apply to students and staff who consider that they are being harassed (listed at §37.7).

##### 37.3.2 Aggressive/Abusive Behaviour

Any behaviour or language (spoken or written) which causes staff or students to feel unduly concerned, afraid, threatened or abused is not acceptable. Aggressive/abusive behaviour might include any of the following:

- demeaning, abusive, indecent or offensive language or comments (including those in writing);
- threatening behaviour or language, or actual threats;
- written, verbal or physical harassment or bullying;
- comments that discriminate on the basis of sex, sexual orientation, race and ethnicity, age, disability, religion and belief or other irrelevant distinction;

- unsubstantiated allegations;
- use of aggressive or inappropriate gestures.

7.2.5. The University's Dignity at Work and Study Policy and Procedure refers to the Code of Practice on Unacceptable Behaviour and explains the crossover between the two. It incorporates the list of examples from regulation 37.3.2 but adds this as a further example:

unwelcome sexual advances – stalking, touching, standing too close, display of offensive materials, asking for sexual favours / coercion.

7.2.6. It is puzzling to the reader to find this as an example in the Dignity at Work and Study Policy but not in the Code of Practice on Unacceptable Behaviour. It would be helpful for there to be consistency between the two. At one level, it is easy to say that 'unwelcome sexual advances' are unacceptable, but the test is subjective. The list of examples is wide; stalking, displaying offensive materials and coercion are not necessarily sexual advances.

7.2.7. Turning to the Code of Student Conduct in regulation 33, and Annex B, there are different descriptions given of examples of behaviour that would constitute sexual misconduct.

7.2.8. The new Code of Student Conduct sets out an expanded list of examples of non-academic misconduct, relative to the old Code of Student Conduct. This information is provided at paragraph 33.19:

“Misconduct means behaviour that falls short of the standard of behaviour expected of a student of the University. There is no definitive list of student conduct offences but the following examples would be regarded as misconduct:

**Academic Misconduct**

[...]

**Non-academic Misconduct**

- d) Engaging in criminal activity. It is a student's duty to inform the University if charged with a criminal offence.
- e) Disrupting, or interfering with, any academic, administrative, sporting, social, cultural or other University activity.
- f) Preventing, hindering or obstructing any member of the University from carrying out their duties or activities.
- g) Behaving in a physically disorderly, threatening, offensive, indecent or violent manner or inciting others to do so.
- h) Any form of sexual misconduct.
- i) Using threatening, offensive or indecent language, whether expressed orally, in writing, or electronically, including on social media.
- j) Behaving in an anti-social way, including in University residences or in the wider community, or in a way that risks the health, safety or welfare of any person, or could cause injury.

- k) Discriminating against any person on grounds such as age, disability, gender, gender identity, political or religious beliefs, race, ethnic or national origin, sexual orientation, or socio-economic background.
- l) Harassing, bullying or committing hate crimes against any person including on grounds such as age, disability, gender, gender identity, political or religious beliefs, race, ethnic or national origin, sexual orientation, or socio-economic background.
- m) Behaving dishonestly by engaging in or facilitating fraud, deception, misrepresentation, or personation (including the falsification or misuse of the University name, documents, or logo).
- n) Damaging or vandalising University property or the property of any person.
- o) Stealing or misappropriating University property (including funds) or the property of any person.
- p) Misusing or making unauthorised use of University premises or property, including misusing IT facilities or safety equipment.
- q) Deliberately doing, or failing to do, anything that thereby causes the University to be in breach of a statutory obligation.
- r) Possessing, using or supplying a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time).
- s) The unlawful possession, use or supply of an offensive weapon.
- t) Making false, frivolous, malicious or vexatious complaints (without removing the right to make complaints and raise concerns through formal procedures).
- u) Conduct that may harm the University's reputation.
- v) Behaviour that is likely to render a student unfit to practise the profession to which their degree leads.
- w) Failing to comply with any previously imposed sanction under this Code."

7.2.9. Some of these terms are puzzling. Example (l), which is new, refers to "hate crimes". Criminal activity is already covered in (d). Perhaps this is intended to cover generally "hateful" conduct, which is not actually criminal, but that is unclear. Example (i) seems rather broad. Is it intended to mean that *any* swearing is misconduct? Example (h), which is also new, begs an important question. Examples should illuminate but including "any form of sexual misconduct" does not tell the reader anything about what sexual misconduct actually is.

7.2.10. In the old Code of Student Conduct, paragraph 33.6(v) was in these terms:

"Behaving in a disorderly, threatening, offensive, indecent or violent manner (including sexual violence or abuse) or using threatening, offensive or indecent language (whether expressed orally, in writing, or electronically)"

7.2.11. The intention seems to have been to expand what is covered beyond sexual violence and abuse, but the new form of words does not make it clear.

7.2.12. Annex B to regulation 33 contains important information about the type of misconduct that might be considered suitable for resolution

locally or by mutual agreement and about the distinction in seriousness between level 1 and level 2 cases. It also contains information about the sanctions which will be appropriate at the various levels.

7.2.13. Within the examples given of level 1 misconduct are:

“(b) criminal activity including theft, possession or use of controlled drugs, damaging University property, causing or intending to cause physical harm;

“(c) being verbally abusive or intimidating another person;

“(f) sexual misconduct (for example, touching a person’s clothes or hair or kissing without consent, sharing private sexual materials such as videos)”.

7.2.14. Within the examples given of level 2 misconduct are:

“(c) engaging in more serious criminal activity including fraud, serious physical assault or threat to life, major damage to University property, repeated possession or use of controlled drugs or supply of drugs, sexual violence (for example rape or intimate touching without consent) or subjecting another student to unwanted sexual acts, domestic violence, possession of indecent images of children, committing hate crimes, possession, use or supply of an offensive weapon.”

7.2.15. Level 1 sanctions range from a written warning to suspension for up to 12 weeks, with the option to combine sanctions and to impose conditions on a student continuing with studies.

7.2.16. Level 2 sanctions are more serious and extend to permanent expulsion from the University.

7.2.17. Given the fact that the changes to the procedure for student non-academic misconduct have been introduced very recently and that, as a result, there has been no real opportunity to test their operation, it is very difficult to make any meaningful assessment of how well they work in practice. I have heard a great deal about the operation of the old Code of Student Conduct in relation to cases involving sexual violence or sexual abuse. That information is relevant because it can be anticipated that, under the new Code of Student Conduct, most if not all of the comparable cases will be dealt with using level 2 procedure. That will involve a Student Non-Academic Conduct Committee and the meeting which that Committee must hold will operate in a very similar way to a hearing under the old provisions. Many of the comments made about the older processes are still pertinent.

7.2.18. Taking these codes and policies together, the University has a complete system for responding to gender-based violence, from the most minor incidents to the most serious.

### *7.3. Student conduct procedure: changes made in 2020-21*

7.3.1. Various explanations have been given to me as reasons for the introduction of separate academic and non-academic misconduct procedures. There is a general move in universities towards separating academic and non-academic misconduct. Practice elsewhere is not uniform but this change is consistent with moves in that direction. The difference in substance was thought to demand different treatment. A number of people have expressed the view that a system intended to respond to a plagiarism allegation is not well-suited to a complaint of sexual misconduct. In the main, academic misconduct cases tend to be relatively straightforward with limited evidence. In contrast, non-academic misconduct cases, and especially those involving complaints of sexual misconduct are complex, sometimes dealing with factual matters extending over a long period of time with multiple witnesses.

7.3.2. Whereas under the old Code of Student Conduct, the Assessors were responsible both for investigation and for decision-making in level 1 cases, there is in the new Code of Student Conduct a separation between the person responsible for investigation and the level 1 decision-maker.

7.3.3. I also understand that the volume of cases was a consideration. There has been a very significant increase in academic misconduct cases in recent years. Although the numbers of non-academic misconduct cases have been relatively small, they are disproportionately time-consuming in terms of preparation and staff resource. It was felt to be important to find a way to manage all cases and the pressure on staff time in a more efficient and effective way.

### *7.4. Features of the new Code of Student Conduct*

7.4.1. The new Code of Student Conduct provides for two different processes. The original process in the old Code of Student Conduct is retained for academic misconduct cases but a new procedure has been devised for non-academic misconduct cases. That is set out in paragraphs 33.85 to 33.104 of the new Code of Student Conduct. The essential features of the new scheme are as follows.

7.4.2. There are options for resolution by mutual agreement or local resolution: paragraphs 33.85 to 33.87.

7.4.3. Where an allegation of non-academic misconduct is made, a risk assessment will be undertaken by a Risk Assessment Group comprising a senior member of the Student Conduct Team, a representative from Student Services, a representative from the Security Team and a Case Manager: paragraphs 33.28 to 33.34. This group has the authority to take interim measures, including limiting contact between students, limiting or

removing access to University services or facilities, temporary exclusion from University accommodation and precautionary suspension.

- 7.4.4. The University appoints an Investigating Officer, who investigates and writes a report: paragraphs 33.88 to 33.93. Formerly, investigations were carried out by Senate Assessors. Now, the role may be undertaken by a member of University staff or, where specialist expertise is needed, may be undertaken by someone external to the University.
- 7.4.5. On receipt of the Investigating Officer's report, the Decision Maker (who is the Director of Academic Services or their nominee) has options to deal with the matter at a summary level (level 1) or to refer it to the Senate Student Non-Academic Conduct Committee (level 2): paragraphs 33.94 to 33.97.
- 7.4.6. The Senate Student Non-Academic Conduct Committee is appointed by Senate and will ordinarily comprise a convener and three other members, at least two of whom must be University staff. All reasonable steps will be taken to include a student member: paragraph 33.98. Under the old Student Code of Conduct, the members of the Senate Student Conduct Committee were the convener, who was appointed by Senate, three College representatives, who were also members of Senate, and a student member. Under that regime, the members of the Committee, apart from the SRC member, had to be members of academic staff. That is no longer the case. Members of professional services staff may serve as Committee members.
- 7.4.7. The Decision Maker at level 1 provides the Senate Student Non-Academic Conduct Committee with a written report, consisting of the Investigating Officer's report and a note of their own deliberations, reasoning and conclusions: paragraph 33.99. Formerly, at level 1, the equivalent decision was taken by the Assessors.
- 7.4.8. At level 2, the Senate Student Non-Academic Conduct Committee holds a meeting. Fairly detailed provisions for the procedure to be followed at that meeting are contained in paragraph 33.100. These include the ability to call witnesses and to ask questions of the Responding Student and the Investigating Officer. If the Responding Student denies the allegation, the Senate Student Non-Academic Conduct Committee reaches its decision on the balance of probabilities.
- 7.4.9. If the Committee decides that the Responding Student has committed misconduct, it will determine the appropriate penalty: regulation 33.102.
- 7.4.10. There are provisions for communicating the decision to the Responding Student, normally verbally at the conclusion of the meeting and in writing within 10 days: regulation 33.103.
- 7.4.11. There is an opportunity to appeal that decision and the detailed appeal provisions are contained in regulations 33.105 to 33.118.

7.4.12. There are other innovations in the new procedure. Regulations 33.21 and 33.22 introduce Student Liaison Officers.

“33.21 The University recognises that some allegations of misconduct are extremely distressing for the person alleged to have breached conduct regulations (‘the Responding Student’) and potentially for the person making the allegation. In serious cases, a Student Liaison Officer will be assigned to the Responding Student. If the person making the allegation is also a Glasgow University student (‘the Reporting Student’), in serious cases a separate Student Liaison Officer will be assigned to them. The Student Liaison Officer will be assigned as a result of the Risk Assessment process described in §33.28 onwards below.

“33.22 The Student Liaison Officers will be the main point of contact for the Reporting Student and Responding Student throughout the conduct process. They will ensure that both students understand the conduct process and are kept well informed about progress and they will help both students to make informed decisions.”

7.4.13. I have concerns about the introduction of Student Liaison Officers, which I consider at paragraph 8.6 below.

7.4.14. There are also new provisions relating to safeguarding and wellbeing at regulation 33.64.

“33.64 The Convener of each Committee may take such steps as they consider necessary to support the wellbeing and participation of the Responding Student and any witness. This may include, amongst other things, requiring that all questioning be conducted through the Convener; the use of technology or physical barriers to remove direct line of sight between the Responding Student and a witness; and seeking to ensure that questioning by any party is appropriate. In exceptional circumstances, the Convener may not permit the Responding Student and/or their representative to question a witness directly where there are concerns for their wellbeing. The arrangements to support wellbeing will normally be agreed in advance of the meeting and all attendees will be notified in advance. Where required, the Student Liaison Officer will discuss the arrangements for safeguarding with the Responding and/or Reporting Student.”

## *7.5. Geographical and temporal limits?*

7.5.1. The University’s codes and policies cover behaviour between students regardless of where and when that takes place. It is not limited to behaviour on University premises or in term time. Were they to have such a provision, that would almost certainly be too restrictive and also almost impossible to apply, given the way in which the University is integrated into the fabric of the city. In principle, they regulate behaviour between two students going on holiday together during the summer to a place quite unconnected with their studies. The aim of the Code of Conduct is “to provide a safe and fair environment for its students, staff and members of the public” and, with that in mind, it would be possible to



draw a line to exclude some behaviour that takes place well away from campus.

7.5.2. However, there is a risk assessment question. If one student assaults another student on holiday, even some distance away, that will be likely to have an impact on their relationship with each other, and possibly on other people, once they return to University and that may, in turn, have a bearing on the safety of the University environment for those people. The broad scope of the current codes and policies accommodates the need to protect students, whether they experience harm on campus or elsewhere.

#### *7.6. Behaviour towards other students and towards members of staff*

7.6.1. All of the Dignity at Work and Study Policy, the Code of Practice on Unacceptable Behaviour and the Code of Student Conduct make it plain that they extend to students' behaviour towards other students and towards members of University staff. A member of staff may complain about a student's conduct. Complaints relating to matters between staff and students are addressed in chapter 12.

#### *7.7. Behaviour towards people who are not students or staff*

7.7.1. The Dignity at Work and Study Policy covers behaviour towards members of staff and students, and also towards visitors and external contractors or suppliers.

7.7.2. The Code of Practice on Unacceptable Behaviour states that its coverage includes "members of the public with whom the University communicates" and also "all individuals with whom the University interacts".

7.7.3. The Code of Student Conduct states at the outset that the University "has a responsibility to provide a safe and fair environment for its students, staff and members of the public." That suggests that it covers members of the public whilst they are within the University environment. However, regulation 33.3 states that all students are subject to the Code in relation to various matters and, as a catch-all:

"(d) any activity, **including digital activity and social media use**, not covered by (a), (b) or (c), but which might harm the safety, interests or reputation of the University and its community, **negatively impact on visitors to the University or other members of the public**, or impact on the student's suitability to remain a registered student." (emphasis added)

7.7.4. The words in bold are new, as of 2021-22. That appears to extend rather more broadly than to just those members of the public who are visiting the University or with whom the University interacts, which is the extent of regulation 37 and the Code of Practice on Unacceptable

Behaviour. The University's policies and codes are internally inconsistent on this point.

7.7.5. This is a point of principle which needs to be clarified. Do the University's policies and regulations extend to student behaviour towards members of the public where those members of the public are not otherwise connected to the University (for example, as a visitor or a contractor) or where the student is not engaged in activity as a student? Activity as a student would encompass, for example, University sporting activities, but not sporting activities unconnected with the University.

7.7.6. This is a question of principle which has given rise to issues in practice. I have been made aware of various cases in which complaints about University students' sexual conduct have been made to the University by people external to the University.

7.7.7. Five examples illustrate how these issues could arise. These do not refer to specific cases. They are hypothetical but realistic.

- Student A goes on a field trip jointly organised with another university. At a social event one evening, Student A sexually harasses B, a member of staff of the other university.
- Student C goes on a field trip organised by the University. At a social event one evening in a pub, Student C sexually harasses D, a member of the pub staff.
- Student E goes to a social event in Glasgow following a sports match between a University team and a team from another university. Student E sexually assaults F, who is a student at the other university.
- Student G goes to a pub in Dundee and meets H, who is not a student. Student G sexually assaults H.
- Student J goes to a pub in Byres Road, where there are a lot of University students present, and meets K, who is not a student. Student J sexually assaults K.

7.7.8. B, D, F, H and K all complain to the University. Can their circumstances be distinguished and should the University deal with all of them?

7.7.9. That is a policy matter for the University and it is one which has to be resolved. To date, the University's approach has not been clear and does not appear to have been founded on any identifiable principle.

7.7.10. As matters stand, and with reference to the new form of regulation 33.3(d), the University could justify accepting all of these conduct complaints for consideration. However, that does not sit well with

the narrower scope of the Code of Practice on Unacceptable Behaviour. On any view, it is fairly clear that the complaints made against A and E ought to be considered. But the behaviour of C harms the reputation of the University, and the conduct of G and J has a negative impact on members of the public.

7.7.11. There is a concern that the University attempting to regulate the conduct of students in situations which are distant from the University is overreach. From a practical perspective, an Investigating Officer appointed to look into H's complaint, or even D's complaint, would likely face real difficulties in gathering evidence. There are also costs involved. Returning to principle, though, it seems to me that the relevant question is whether the behaviour of A, C, E, G or J has a bearing on safety within the University, on the understanding that that covers activity as a student beyond the geographical bounds of the University.

7.7.12. The answer to that may depend on the nature of the behaviour. If it is trivial, then it would seem to be disproportionate to accept it as a conduct complaint if it comes from elsewhere. If it is serious, then the University may take the view, from a risk management perspective and bearing in mind the possible risk to the safety of others within the University with whom that student comes into contact, it ought to accept and assess the complaint. Where is the threshold between trivial and serious? That might be tested by asking whether it is the sort of behaviour or conduct capable of being resolved informally had it arisen between two University students.

7.7.13. Alternatively, the University could legitimately take a more restricted view. If a University student sexually assaults a member of the public then that person can report that to the police. It is a student's duty to inform the University if charged with a criminal offence: regulation 33.19(d). The University may consider that that is a sufficient protection for risk management purposes. Of course, the member of the public may choose not to report the matter to the police, though if it is sufficiently serious, that is what ought to happen. In passing, I note that we have heard from complainers who have suggested that making a report to the police can be seen as more intimidating than making a report to the university.

7.7.14. It would be possible for the University to revise its policies and codes either to confirm that it will accept complaints from members of the public in relation to students' sexual conduct in situations unrelated to University activities, or that it will not ordinarily do so, but reserving the right to accept them in exceptional circumstances.

7.7.15. In my view, a proportionate approach would be to make it clear that, in relation to conduct by University students, the University will accept complaints made by other University students, by members of staff and by contractors or others working on or visiting University premises. Further, it will accept complaints made by members of the

public where the student's conduct is related to a University activity. In addition, it may accept complaints from members of the public about a University student's conduct, where that conduct may affect the safety of the University environment. That would afford the University the discretion not to accept such complaints where they are unrelated to University activity and have no bearing on safety. This is likely still to lead to a judgement call being necessary in relation to difficult or borderline cases, but that is inevitable in any process which allows the decision-maker a discretion.

### *7.8. Behaviour of former students*

7.8.1. The Code of Student Conduct allows for the conduct of former students to be considered. At regulation 33.4:

“Action may, exceptionally, be taken under this Code if misconduct on the part of a former student is alleged, which occurred whilst they were a student at the University. It shall be at the discretion of the Senior Senate Assessor or the Decision Maker for non-academic misconduct whether it is possible or desirable to investigate such allegations given the time elapsed, the availability of evidence, the availability of meaningful sanctions, and the perceived benefit to the University community of taking such action.”

7.8.2. The stated aim of the Code being to provide a safe and fair environment for the University's students and staff and members of the public, it is not clear what the principled basis is for investigating non-academic conduct after a student has left the University, if it would have no impact on safety. However, it may be that fairness to the reporting individual demands that an investigation should take place.

7.8.3. Separately, it is doubtful what effect any sanction would have. A degree cannot be rescinded in a case of non-academic misconduct and, apart from a relatively modest fine, no sanction has any real substance. Moreover, there may be practical difficulties in investigating a complaint. After graduating, the responding student may be in a different country.

7.8.4. Nevertheless, there may be exceptional circumstances in which it is appropriate for the University to act in relation to a former student, perhaps especially having regard to the interests of the reporting individual, and the provisions in the Code allow for that.

### *7.9. Regulating behaviour which is also subject to criminal investigation or proceedings*

7.9.1. One of the most challenging issues facing the University, indeed all universities, when dealing with misconduct proceedings involving gender-based violence is that of parallel criminal proceedings. It is quite common for a student alleging a sexual assault to report that to the police

at about the same time as reporting it to the University as a conduct matter.

7.9.2. In the past, the approach generally taken by universities was that where there was an allegation of something constituting a criminal offence that should be a matter for the police and the prosecution authorities and not the university. That followed the non-statutory Zellick guidelines, issued in 1994.

7.9.3. In 2016, Universities UK issued a new report, Changing the Culture.<sup>8</sup> That incorporated guidance, including advice prepared by Pinsent Masons (“the 2016 guidance”).<sup>9</sup> In 2018, Universities UK published an update: Changing the Culture: One Year On.<sup>10</sup> Universities UK are now preparing to review the 2016 guidance, taking into account the experiences of universities in the intervening period.

7.9.4. In relation to concurrent criminal proceedings, the 2016 guidance sets out advice in very plain terms:

“[...] if a report is made to the police (either by the reporting student or, in rare circumstances, by the university on behalf of the reporting student) and the matter is considered under the criminal process then save for taking any necessary precautionary action, universities should not undertake any disciplinary action against the accused until the criminal process is at an end (i.e. when a decision is made not to charge the accused or not to pursue the prosecution or when a court reaches a determination).”

7.9.5. The rationale provided is as follows:

“Any immediate threats or dangers can be dealt with by way of precautionary action.

“There is a substantial risk that an internal investigation could interfere with/prejudice a criminal investigation (for example, in relation to witness evidence, an internal investigation may involve an element of “rehearsal” of evidence prior to a criminal trial with the potential for memories to be tainted or, in some cases, the alteration of accounts because of what has been said, heard or disclosed during the process). This should be avoided as it could result in a situation where, at best, there is negative judicial comment, and at worst, may mean that the criminal proceedings have to be halted or abandoned entirely.

“The prosecutor has to prove its case and defence lawyers will insist on seeing the evidence before advising the accused student on how to proceed. If the accused student engages with an internal disciplinary process, that could impact upon his/her defence in the criminal proceedings. As a consequence, the accused student will generally be advised by lawyers representing him/her in a police inquiry not to co-operate with an internal disciplinary process until the criminal process is at an end. In these circumstances, it could well be argued that

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<sup>8</sup> <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-07/changing-the-culture.pdf>

<sup>9</sup> <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-07/guidance-for-higher-education-institutions.pdf>

<sup>10</sup> <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-07/changing-the-culture-one-year-on.pdf>

if the university goes ahead with an internal investigation in any event then, due to the constraints on the accused student by virtue of the criminal process, that student will be denied a right to a fair hearing and that would provide a ground for challenge.

“Usually neither the reporting student nor the accused student want the university to undertake an internal investigation before the criminal process has reached a conclusion because the accused student will be concerned that such an investigation may prejudice his/her defence and the reporting student will wish to ensure that the prosecution can proceed.”

7.9.6. The 2016 guidance has been subject to some comment and criticism with suggestions from a few commentators that universities should proceed with conduct procedures, notwithstanding the existence of criminal proceedings. However, I am not aware of any substantial work that engages with the difficult questions which I consider below.

7.9.7. The approach which the University takes in a situation where there are also criminal proceedings is broadly consistent with the 2016 guidance and is set out in regulations 33.24 to 33.27:

33.24 Where criminal proceedings against a student are ongoing, the University may:

- a) suspend action under this Code until the outcome of those proceedings is known;
- b) postpone making a decision about whether to take action under this Code until the outcome of those proceedings is known;
- c) in exceptional cases, decide to continue or commence action under this Code.

33.25 A student subject to a criminal investigation must keep the University informed of any progress or change in status of the criminal process. The University will endeavour to provide pastoral support to any student subject to criminal investigation as well as to any student who has alleged criminal misconduct, even if the University conduct proceedings are suspended. This support might include access to University student support services, access to a Student Liaison Officer, extensions to academic deadlines, or a leave of absence.

33.26 The University may still take action under this Code for an incident that has been considered by a criminal court, whether or not the student has been found guilty of any criminal offence by the court, but this Code is not intended as a substitute for criminal proceedings.

33.27 Where a student is convicted of a criminal offence, the University will use this information as evidence in conduct proceedings if it is directly relevant to the matter being considered. Any sentence or order imposed by a criminal court may be taken into account in deciding on any sanction to be applied under this Code.

7.9.8. In practice, the University suspends its own proceedings until the outcome of any criminal proceedings is known. I am not aware of any case, either current or in the recent past, in which the University has

decided to continue with conduct proceedings, even though it may do so in exceptional circumstances, in accordance with its own procedure.

- 7.9.9. Where University proceedings are put on hold, a number of difficulties can arise.
- 7.9.10. The first and most obvious is delay. Current backlogs in the criminal justice system are among the reasons for it taking a long time for criminal proceedings to come to a conclusion. Delays of many months are fairly common. It is unsatisfactory for everyone involved. If, on the basis of a risk assessment, the responding student is suspended then there is a real prejudice to that person in the interruption to studies. The uncertainty for the reporting student is also prolonged, and that experience may be worsened if the responding student is not suspended. That can have a harmful effect.
- 7.9.11. If the responding student is not suspended, and is most of the way through his or her studies, delay may have the result that the responding student has graduated before the criminal proceedings have concluded.
- 7.9.12. In most cases, the University has to rely on the responding student providing updates as to progress in the criminal proceedings, which may be difficult, especially if that student is suspended. In some cases, the information comes from the reporting student, who is likely to be a witness in the criminal proceedings. This is not necessarily reliable and may add to the stress experienced by the reporting student.
- 7.9.13. The passage of time is likely to make investigations harder. If, after several months, or even longer, a decision is taken not to prosecute then the University's investigation has to start from a point a long time after the event. That risks evidence being lost through, for example, witnesses no longer being available.
- 7.9.14. If there is a conviction in the criminal proceedings then, depending on the charges, the conduct process is likely to be quite swift. If, however, the responding student is acquitted in those proceedings, that presents a more difficult challenge. Of course, an accused person may be acquitted on the standard of beyond reasonable doubt but there could still be found to be misconduct on the balance of probabilities. Even so, the witnesses in the conduct proceedings are likely to have been witnesses in the criminal trial and will carry with them the awareness of the result of that trial.
- 7.9.15. The alternative, which is to press ahead with the conduct proceedings whilst either the police investigation or the criminal process is underway, also carries real difficulties. These are essentially as outlined in the 2016 guidance at paragraph 7.9.4 and 7.9.5 above. The 2016 guidance was issued to universities across the United Kingdom; the principles apply in Scotland as they do elsewhere in the United Kingdom,

notwithstanding the jurisdictional differences in criminal law and procedure.

- 7.9.16. For all witnesses involved, it may mean giving statements to the police at about the same time as the University's Investigating Officer is carrying out his or her work. There are risks of confusion and of cutting across the work of the police or those involved in the prosecution or the defence in the criminal trial. More importantly, it opens up the likelihood that, at the trial, witnesses may be asked about previous discussion of their evidence and the risk that the evidence is tainted.
- 7.9.17. There is also a real risk of prejudice to the responding student. The responding student may, on the basis of responsible legal advice, take the position that he or she should decline to answer any questions. That would have the effect of inhibiting the responding student from participating in the University conduct proceedings. A conduct committee dealing with a meeting where the responding student is either absent or, if present, not responding to any questions, will be more likely to uphold the complaint. That may mean that the responding student has a legitimate argument that the proceedings are unfair.
- 7.9.18. There is a distinction between investigating a report and going ahead with conduct proceedings. Both carry risks. If an investigating officer discloses information to witnesses, that may taint those witnesses' evidence at trial. Some of the risks associated with investigating can be mitigated. If an investigating officer is experienced and properly trained in investigation techniques, and has a well-informed understanding of criminal evidence and procedure, then it may be possible to gather good quality evidence for the purposes of the University's investigation in a way that does not have a high risk of prejudicing a future trial.
- 7.9.19. Representations have been made to me to the effect that the University should make it clear that it does not need to wait for a criminal investigation to commence and that it can and should initiate its own investigative procedures as and when necessary. I agree, but subject to important qualifications. The University should, in any case, initiate its own investigation as soon as possible after a report is made. However, if the University is or becomes aware that there is also a police investigation, the Investigating Officer should assess whether it is sensible to continue to investigate. If most of the work has been done, the best course may be to finish the investigation. However, the Investigating Officer must act with care.
- 7.9.20. Running conduct proceedings prior to a trial is more difficult, for all of the reasons given in the 2016 guidance. In professional regulation, in Scotland at least, the usual practice is to suspend proceedings until the criminal case is at an end. There are some procedural advantages to that, not least that a criminal conviction is essentially self-proving. If there is a conviction, there ought to be no need for further evidence.



7.9.21. Whilst the impact of delay on the welfare of all concerned in the conduct process may be serious, especially when students spend a fixed amount of time at university and there is a risk that time just runs out, the consequences of pressing ahead would, potentially, be far more damaging. I consider that the University's current policy strikes the balance in the right place. In exceptional circumstances the University may proceed. If the investigating officer is skilled and well-trained, the risks of prejudicing a future trial will be low, but cannot be discounted. Only in very special circumstances, though, would it be appropriate for there to be conduct committee proceedings in advance of a criminal trial. If the responding student were to consent to the continuation of the University's proceedings, that would be relevant, but that would have to be on the basis the student had received legal advice before consenting.

7.9.22. I am not aware of any legal case in Scotland where these questions, in relation to a university or analogous conduct proceedings, have been tested. That, presumably, reflects standard practice, which is to pause until the criminal case is concluded.

7.9.23. I am aware that these are matters which are being considered in the sector more widely. At present, though, in view of the risks, it would not be prudent to change either the Code of Student Conduct or current practice.

#### 7.10. *Stages in procedure: informal (pre-conduct) and formal*

7.10.1. I have already referred to the overall scheme which allows for a graduated and proportionate response to issues of gender-based violence. Within the overall scheme, the Dignity at Work and Study Policy allows for informal resolution at an early stage. That policy includes, at section 5.1, an informal procedure for students:

"If a student thinks they are being subjected to harassment or bullying in any form, they may wish to consider the following course of action:

- If possible the student should tell the alleged harasser that they perceive their behaviour as harassment, and that they would like them to alter this behaviour. This can be done in person, or by letter/email. It is helpful if the student has specific examples, or evidence of the unwanted behaviour, and can say why this has made them feel uncomfortable. A record of the discussion, and copies of any correspondence, should be kept by both parties in the event that follow-up action becomes necessary.
- If the student finds this too difficult they may ask for support in writing to, or accompanying them to a meeting with, the alleged harasser. This support may be provided by the Respect Advisers Network, the student's Adviser of Studies, the SRC Advice Centre, or Head of Subject or School.
- If the outcome of this initial informal action fails to produce a resolution, then the student should proceed to one of the formal procedures set out in Section 5.2

- 7.10.2. Section 5.2 of the Dignity at Work and Study Policy, entitled 'Formal Procedure for Students' provides the link to the University Complaints Procedure (which is relevant to complaints by students against members of staff) and also to the Code of Practice of Unacceptable Behaviour and the Code of Student Conduct, which are regulations 37 and 33 respectively.
- 7.10.3. Within the Code of Student Conduct there are stages for dealing with a complaint, starting at mutually agreed or local resolution, and moving to level 1 and level 2 procedure. These are considered in more detail at paragraphs 7.4.5 to 7.4.9 above.
- 7.10.4. It is entirely sensible to have a system that allows for matters between two students to be dealt with between them, and with support if necessary. An informal procedure is likely to be very quick and may well be effective. As a means of responding to one-off incidents of harassing behaviour or dealing with circumstances where there is a genuine misunderstanding about the nature and effect of an action, an opportunity to ask the person responsible to desist is proportionate and reasonable. If Student A tells Student B "you are standing too close to me and that makes me feel uncomfortable" and Student B's response is "sorry, I didn't realise" and Student B ensures that that behaviour is not repeated, then that is a successful application of the informal procedure. Students A and B may not even realise that they are implementing University policy and procedure. Of course, it may be that Student B reasonably says "no, I'm not standing near you". That might be capable of being resolved by a straightforward conversation or, if that cannot happen, it might need to be escalated.
- 7.10.5. Most forms of low-level unacceptable behaviour, provided it is not persistent or repeated, should be capable of being addressed in this way. Unnecessary escalation which involves more time and more people will be counterproductive.
- 7.10.6. It is absolutely essential, though, when explaining the purpose of the Dignity at Work and Study Policy to communicate to everyone that it does *not* entail the person who is experiencing harassment having to take responsibility for solving the problem. She is likely to be the person who identifies the problem and may choose to address it directly with the harassing person but if, for any reason, she is not able to do that, or chooses not to do that, it is imperative that she receives support immediately from the University. That is what is envisaged in the Dignity at Work and Study Policy.
- 7.10.7. It is also very important that this low-level, informal mechanism is not used to respond to reports of serious sexual misconduct. If a student raises an issue, for example with a Respect Adviser, which is apparently serious, then an informal action will not be appropriate and the student should be given the option to report it as a conduct matter

immediately. Similarly, in cases where the behaviour is repeated, especially where informal attempts have already been made, the matter should move quickly to being treated as a formal conduct matter.

7.10.8. Once that happens, it is imperative that a proper procedure is followed. I have been made aware of some situations in which very serious conduct appears to have been dealt with by way of informal resolution. Issues arising in relation to attempts to find *ad hoc* informal solutions are discussed further in paragraphs 8.9.

## 8. STUDENT CONDUCT: DEALING WITH REPORTS OF NON-ACADEMIC MISCONDUCT

### 8.1. *Introduction*

8.1.1. Having set out the key principles which are engaged and an outline of the procedure set out in the Code of Student Conduct, I now consider how the regulation of non-academic misconduct has worked in practice. The operation of the student conduct procedure became a central part of the investigation and review. Of all of the subjects which people wanted to discuss, this was the one which was the most frequently raised and in respect of which the most critical comments were made. Numerous people bringing a wide range of perspectives contacted us and provided information about their experiences of the student conduct procedure.

8.1.2. We heard from:

- Members of staff responsible for the operation of the process, both at present and in the past.
- Members of staff and students who have had decision-making responsibility as panel members.
- Students who have made complaints (reporting students) and who have experienced the process.
- Other people, not themselves students, who have made complaints about the conduct of students.
- Students who have been the subject of conduct complaints (responding students) and who have experienced the process.
- People who have represented students in a formal capacity.
- People who have, in different ways, provided informal support to those involved in the process.

### 8.2. *Student conduct: restructuring and staffing arrangements and current resource*

8.2.1. In the period since 2018 there has been a thoroughgoing restructuring exercise carried out. That has had a major impact on the staff in Student Services and the student conduct team in particular. Student conduct has been moved out of Senate Office and into Academic Services. In that shift, with the clear demarcation between academic and non-academic misconduct, there is a consistency with the way in which the new Code of Student Conduct separates those cases. When looking at the way in which the new Code of Student Conduct has been implemented, it is important to note that that has happened at the same time as quite extensive changes have been made to reporting lines and the composition of staff teams.

8.2.2. In part because of the changes brought about by the restructuring exercise, there have been significant movements in personnel affecting the student conduct team. Some members of staff have left the team

responsible for non-academic misconduct cases, including at least two people with very extensive experience and expertise. Not all of the changes are attributable to restructuring. There have been intense pressures of work.

8.2.3. I have had discussions with many of those who have been responsible for student conduct regulation as members of staff, both in the recent past and those currently in post. At present, the staff team is under extreme pressure. Almost all members of staff are either newly appointed, having moved from other roles within the University, or holding temporary positions, or both. There have been difficulties in handover arrangements. For a significant period within the past year, the responsibility of day-to-day management has been carried by one or two people working either part time or carrying out their responsibilities alongside duties elsewhere in the University. To the extent that there has been administrative support, that is provided on a temporary basis. The University has secured the services of an external person, essentially working on a consultancy basis, to provide support with particularly challenging cases and with training and development, but the scope of that person's work is ill-defined and limited.

8.2.4. In listening to those most closely involved in the administration of the non-academic misconduct system, I have heard expressed, repeatedly and forcefully, concerns that the present arrangements are deeply unsatisfactory. Broadly, the concerns fall into three categories. First, there is insufficient resource. Secondly, the rapidity of change in the team and the loss of experienced members of staff have given rise to difficulties. Thirdly, there is a lack of clarity in relation to the operation of the new Code of Student Conduct. I have heard concerns expressed by multiple people, not only by members of staff with immediate experience but also by those who, though at a remove, are aware of the circumstances. The consistency of these views is striking. These are not isolated or individual grumbles.

8.2.5. It has been explained to me that the difficulties are attributable to the covid pandemic, the increase in the number of academic conduct cases and the need to introduce changes to address problems with practice in the past. In my view, it is not possible to discount the concerns that exist by attributing dissatisfaction to the programme of change. Inevitably, organisational restructuring and developments in policy and practice will result in upheaval and, possibly, friction and discontent amongst people who are accustomed to working in a particular way. That is to be anticipated and can and should be planned for. However, the sense of frustration and anxiety that I have encountered in the discussions that I have had goes well beyond what might be thought of as the normal consequences of necessary change.

8.2.6. I would want to reiterate that, amongst the members of staff with whom I have had discussions, the sense of commitment to the University as an institution and, especially, to student welfare is extremely high. The

concerns are not so much about the impact of pressure on personal wellbeing, although that impact cannot be disregarded, but about the impact on the ability of members of staff to do their jobs properly. If the system is not working properly and if the right people are not in place and able to focus on their tasks, then there will be delays and communication failures and, potentially, more serious mistakes will be made. Those who have made these representations to me are acutely aware of those risks. First and foremost, there are risks to students and others involved in the process. At the same time, there are risks for the University. At present, the system is functioning, albeit only just and subject to serious limitations, discussed further below, but it is functioning in large part thanks to goodwill and a sense of obligation not to let students down. Notwithstanding the strenuous efforts made by those involved in the student conduct process to keep the procedure on track, in some cases things have been missed. In a number of recent and current cases, there have been serious delays and those delays have, inevitably, had a detrimental impact on the students involved.

- 8.2.7. There are in place short term measures to deal with immediate demands but it is not obvious that those are very effective. Planning and resource are needed now to ensure that, in the medium and longer term, non-academic misconduct cases can be administered carefully and timeously.
- 8.2.8. Budgets and resource allocation, and the processes by which decisions about those are made, within the University are complex matters and are beyond the scope of this report. I would not attempt to offer a view as to what level of resource is required to support the administration of non-academic misconduct cases. Nor would I presume to suggest, practically, what size of staff complement is needed. These are operational matters and demands for resource have to be balanced against myriad others. However, it is plain that those currently making the system work do not have the capacity to do that properly. Members of staff are having to prioritise what is absolutely essential, with the result that very important work is not being done. Reliance has been placed on temporary staff, some of whom have been working on very short term arrangements, or on people on secondment or otherwise lending a hand. Inevitably, this means that investigations are taking much longer than the Code envisages, or are simply on hold, and that leads to upset and frustration for reporting and responding students.
- 8.2.9. There is an associated problem with a loss of experience and expertise. Handling misconduct issues is difficult and demanding work. It requires skills in both the efficient administration of complex processes and in dealing sensitively with people in distressing situations. It also demands an awareness of other aspects of University life, especially in relation to support available for students. It is no criticism of staff currently in post to say that the team is seriously under-resourced in these respects. As experienced members of staff have moved, there has been a loss of expertise and of institutional memory.

### 8.3. *Resource: other aspects*

8.3.1. The problem is not limited to a shortage of staff with the necessary skills and experience, although that is a large part of it. The infrastructure supporting the management of non-academic misconduct matters is rudimentary. It relies on shared folders containing an array of documents, including emails, letters and reports in different formats and a range of other items. These are inconsistently organised. There is not yet a proper, accessible case management system. I have been given access to all files relevant to my review. In relation to those held for the 2021-22 academic year, the system can best be described as basic. I have had real difficulty in following documentary information and, in many cases, it is impossible to be sure that the recorded information is complete. Members of staff have difficulty in readily identifying what action is needed in which cases. For example, one folder, which contains two cases, is labelled “unknown status”.

8.3.2. I am aware that members of staff are working hard to remedy this situation. One member of staff, recently appointed, is working on constructing a case management system. Others, also newly in post, are doing their best to consolidate information. It is not possible to do this effectively whilst handling cases at the same time. They are having to deal with a difficult situation that has grown worse over the past year.

8.3.3. The members of staff in the conduct team are not in a position to provide support of the necessary depth or quality to conduct committees. For a system to work well, it relies on each committee member preparing diligently for meetings and it also relies on the permanent members of University staff being able to support that work efficiently and reliably. As things currently stand, the non-academic conduct team does not have the capacity to meet that demand.

8.3.4. This has not happened invisibly or without warning. Several people have told me that they have raised their concerns. I have also been told that requests for more staffing resource have been made in the past but that those have not been adequately met. I do not consider that it is part of my role to trace and investigate discussions about budget allocation but I am bound to report that responsible members of staff have told me that they have set out cases for increased support but that they feel that these have not received an adequate response. These are essentially management and finance matters and I have not investigated them. However, on the basis of what I have seen and been told, it is clear that the staffing and support arrangements for the handling of non-academic misconduct cases are unsatisfactory and require urgent attention. How any changes are to be resourced and the necessary budget plans are a matter for the University.

8.3.5. I have referred to both planning and resource. The issues in the non-academic conduct team go beyond budget-related matters. It will be necessary to review the size of the staff team but it will be just as important to put in place proper strategic management. The team have for some time been in firefighting mode, with occasional breaks to take stock of the case management position. This cannot continue. Longer-term planning must take place, and it will have to take account of a likely increase in the number of reports of non-academic misconduct.

#### 8.4. *The introduction of the new Code of Student Conduct*

8.4.1. The new Code of Student Conduct was introduced at the beginning of the 2021-22 academic year. The work on the revision was carried out by the Director of Student and Academic Services with the assistance of an external consultant from another university. The procedural changes are summarised above. These are more than superficial adjustments. Amongst the most significant changes are the introduction of the role of the Investigating Officer and the role of the Student Liaison Officer.

8.4.2. At the time that the new Code of Student Conduct was brought in, no members of staff who might potentially act as Investigating Officers had received any training related to that role. There was no guidance document in place to support the work of Investigating Officers. There is still no such guidance document. All that exists is a document entitled "IO Briefing Note". That briefing note reproduces the text of regulations 33.88 to 33.93 and the description of the role of the Investigating Officer which is given in Annex A in the new Student Code of Conduct. The document contains no information which is not already contained in the Code itself. It is not a briefing note. A responsible Investigating Officer can be expected to have read the Code of Student Conduct. This material adds nothing. There is no information dealing with expectations about process, timescales, methods for clarifying issues or sources of support. Combined with delays in providing training, and bearing in mind that this is a new system dependent on a new procedure, these are serious deficiencies.

8.4.3. At the same time, the beginning of the 2021-22 academic year, no members of staff had been identified who might serve as Student Liaison Officers. Two cases have been completed under the new Code of Student Conduct but, in those cases, none of the students involved had the support of a Student Liaison Officer. In one case, it appears that that question was not considered because no formal risk assessment had been carried out. Given the nature of the allegation in that case, it might have been thought to be in the category of cases where, in terms of the new Code of Student Conduct, a Student Liaison Officer should be appointed. Had that view been taken, it is difficult to see how such an appointment could have been made because there was nobody who had been given any training relating to the role. Given that a Student Liaison Officer is expected, among other things, to ensure that students



understand the progress of the case, and given the novel nature of the proceedings, it would be unrealistic to expect any member of staff outside the conduct team to step into that role.

8.4.4. For reasons set out in further detail in paragraph 8.6 below, I have significant reservations about the benefits of having Student Liaison Officers at all. Their absence may not, in fact, represent a deficiency. However, the point is that when the new Code was introduced, no preparations had been made to allow for its provisions in respect of either Investigating Officers or Student Liaison Officers to be implemented. The introduction of the new Code of Student Conduct was rushed and underprepared. It is not clear to me why it was decided that it should be done at that time when it must have been obvious that the structures were not in place.

8.4.5. Under the old Code of Student Conduct there was a guidance document made available to students appearing before the Senate Student Conduct Committee. I have seen that guidance (prepared in 2016) and it is a clear, comprehensible summary explaining what will happen at the hearing. Clearly, that guidance is now out of date. There is no equivalent guidance document for students relating to the new Code of Student Conduct. I am aware that relevant information has been given to students in emails explaining the process. This is cumbersome and carries a risk of inconsistency. Proper, accessible guidance for students must be prepared. The SRC also has leaflets giving information about student conduct but, as already noted, these are also out of date.

#### *8.5. Cases involving allegations of sexual misconduct subject to the new Code of Student Conduct*

8.5.1. Over the period from 2016 to 2021, on average there were eight student misconduct cases per year in which allegations were made involving sexual violence or sexual harassment. I have been particularly interested in reports of sexual misconduct made in the academic year 2021-22 and have spent some time looking at the records. I am very grateful for all of the assistance I have received from the members of the student conduct staff team. Nevertheless, I have had some difficulty reaching a point where I can be satisfied that the data are accurate. I have referred already to the unsatisfactory nature of record keeping and the challenges the staff face in managing incoming cases. Efforts are being made to introduce proper case management systems but, at present, it is not possible to say that the statistics are reliable. My best understanding of the position is that, of the cases commenced in 2021-22, 16 involved a report of sexual misconduct.

8.5.2. Two cases were completed. One case was first reported in October 2021. The final correspondence in the case was sent in August 2022. The delay is attributable only in part to the fact that there was also a police investigation. A second case was referred as a conduct matter in

October 2021 and the decision in April 2022 was to take no further action.

8.5.3. Of the cases involving a report of sexual violence or sexual harassment, there are three live cases and seven which are in a file marked 'pending'. In two of the live cases, which were first reported to the University in February 2022 and April 2022, there has been an Investigating Officer appointed. In each of the pending cases, there is a police investigation. In none of these cases has there been an Investigating Officer appointed. There are, as I understand the position, 27 non-academic misconduct cases which do not involve reports of sexual violence or sexual harassment. In a minority of those an Investigating Officer has been appointed.

8.5.4. Allowances have to be made for the introduction of a new system and a new Code of Student Conduct. A seamless transition from one procedure to another may be too much to expect. However, it is a matter of serious concern that progress in the cases that have commenced since the start of the academic year 2021-22 has been very slow.

## 8.6. *Student Liaison Officers*

8.6.1. The new Code of Student Conduct introduces a new position, which is that of the Student Liaison Officer. In Annex A to the Code there is a brief account of the functions:

- Where allocated, acts as the key University contact point for the Responding Student (and where necessary the Reporting Student) in relation to the Conduct proceedings.
- The SLO will also discuss with the student any safeguarding and confidentiality issues relevant to the case.
- The role is not a student support or advocacy role but is intended to provide a less formal communication channel to ensure that the students understand and are kept informed of the progress of any conduct case.

8.6.2. It is further explained that "The SLO will only be allocated to students of the University of Glasgow."

8.6.3. It is not envisaged that being a Student Liaison Officer would be part of anyone's main job. Rather, it appears that the intention is that it is open to any member of staff to take up such a position, essentially in a voluntary capacity and alongside that person's normal employment. That is much the same operating model as a Senate Assessor or, under the new Code of Student Conduct, an Investigating Officer.

8.6.4. I understand that the introduction of this role comes from a concern that responding students in particular are not always properly engaged in misconduct processes, or fully aware of the procedures or the implications of an adverse finding. Similarly, reporting students who find

the process daunting or confusing might benefit from contact with a Student Liaison Officer.

- 8.6.5. In general terms, anything which serves to assist students in their understanding of these important processes ought to be welcome. However, a number of my discussions have brought me to the view that Student Liaison Officers, at least as presently envisaged, do not meet that need and may, in fact, be counterproductive.
- 8.6.6. In the first place, if the formal communication channels are working properly, then there should be no need for there to be separate, less formal communication channels. Formal communications come from the non-academic misconduct staff team and they ought to be clear, informative and timeous. Adding another layer of information provision, especially dealing with the progress of the case, risks introducing confusion. If the Student Liaison Officer is, as is suggested, the “key University contact point” for either or both of the responding student and the reporting student, but is responsible for acting only as a “less formal communication channel”, then what is the status of any information which that person might provide? What happens if the “less formal” information given by the Student Liaison Officer differs slightly from that coming from the Investigating Officer or the conduct team member of staff? On which person should the student rely?
- 8.6.7. It is not clear whether it is intended that the same Student Liaison Officer should assist both the reporting student and the responding student. If that is the case, as the wording in Annex A of the Code suggests, then that presents a conflict risk. What happens if, in discussing confidentiality (which is part of the role) one student shares confidential information with the Student Liaison Officer which affects the other student’s interests?
- 8.6.8. If, however, they are different people, then that further increases the number of people involved and creates a greater risk of confusion. What happens if the reporting student’s Student Liaison Officer and the responding student’s Student Liaison Officer provide slightly different information? The advantage of having, in any one case, one person who is responsible for communication to all involved, is that that minimises the risk of inconsistent information and confusion. Duplication or, perhaps, proliferation of messages would be very unfortunate. If the problem is that students do not get adequate information about the process and the progress of any cases, then the answer lies in making sure that the formal communications are improved.
- 8.6.9. It is not at all clear what the full scope of the role is, although it is expressly stated that it “is not a student support or advocacy role”. The evidence which I have gathered indicates that support is precisely what most students involved in conduct processes need. In many circumstances, though not all, reporting students will already have support arrangements in place, including University-provided counselling

or assistance with security. For responding students, the real need is for good advice. They may or may not be able to obtain advice from the Student Advice Centre. If they have, a Student Liaison Officer may be surplus to requirements. If they have not, and if the Student Liaison Officer cannot provide advice about what to do, or represent that person, then the responding student is likely to question what the point of their existence is.

8.6.10. At the point when the new Code of Student Conduct was introduced, there appears to have been little thought given as to who might serve as a Student Liaison Officer. One year later, there is still a range of views. It has been suggested that Student Support Officers might wish to serve in that role, although I have also heard the view that they would not be suitable because Student Support Officers are, typically, too junior and inexperienced, and, moreover, it would confuse their existing role. More senior employees might be prepared to take it on, but, given that the role lacks focus or a clear scope, and demands full awareness of the new Code of Student Conduct, that would seem unlikely.

8.6.11. There is a separate point of principle. It is absolutely essential that the conduct team staff members treat all students in a fair way, and that means being neutral and balanced. A student who is the subject of proceedings is entitled to expect neutrality from that office. If the same office is also training new Student Liaison Officers, who are not necessarily bound by the same constraints, and allocating them to cases, where they have a special informal link with one side or the other, that risks compromising the neutrality of that office.

8.6.12. It is difficult to assess the benefits of this role when, in fact, no-one has carried it out and it is impossible to see it in practice. However, it seems to me that there is now an opportunity to revisit this part of the new Code of Student Conduct and to remove a layer of additional and unnecessary complexity. That is not to say that that reporting and responding students do not need to be kept informed. They absolutely do. But important information should come from one source and should not be mediated through people serving a liaison function. Moreover, both students are likely to need support. The University already has the means to provide support.

### *8.7. Conduct committee procedure: further considerations*

8.7.1. The procedure under the new Code of Student Conduct having been so recently introduced, and there having been relatively little progress in the cases which have been started within the past year, it is impossible to offer a meaningful view as to themes or issues arising. However, the procedure is not so different to that which preceded it and the experiences of those involved in the administration of the old Code of Student Conduct remain relevant. On the basis of what I have been told

about those experiences, and insofar as I have been given information about current cases this year, it appears to me that the following points are important.

### 8.8. *Investigations*

8.8.1. I have already referred to the need to provide proper guidance to Investigating Officers (paragraph 8.4.2) and I note elsewhere the heavy responsibilities carried by those members of staff who carry out investigations. The task is onerous and, generally, it is undertaken by people who already have substantial workloads. Where a conduct investigation has to cover difficult issues, it is sensible to give the task to an experienced person, but there is a risk that that leads to a small number of people becoming overloaded.

8.8.2. I am aware that some universities have taken the route of outsourcing investigations, and that there are organisations which provide this service on a commercial basis. A small number of people have mentioned this as a possibility, and it has been suggested that external assistance can help with demonstrating impartiality in the process. Nobody who has spoken to me has pressed this as a solution and I do not believe that it is an option which should be seriously considered. The University is a large institution and is able to manage its own affairs.

8.8.3. There may be a case, though, for moving to a system where non-academic misconduct investigations are undertaken by a specialist member of staff, for whom it is a part of the formal job description. That would allow a small team of people to build up skills, perhaps with the benefit of intensive and specialist training, and that could also mean that there would be a resource available for difficult investigations in HR grievance procedures and other complaints.

### 8.9. *Formality of non-academic conduct proceedings*

8.9.1. The new Code of Student Conduct, like its predecessor, sets out in clear terms what the procedural stages are. This is a step by step process.

8.9.2. In a non-academic conduct complaint, there are essentially two routes once a report is received. The first is to consider whether the matter can be resolved either by mutual agreement or by local resolution. Mutual agreement relies on an admission by the responding student and is subject to the discretion of the Head of Student Conduct: regulation 33.85. Local resolution is the responsibility of the Wardens, the Head of Student Engagement, the Head of Accommodation Operations and the Director of IT Services.

8.9.3. Examples of the type of non-academic misconduct which might be considered in this way are given in Annex B to the Code. Of possible relevance within the context of gender-based violence are:

- “(c) other minor forms of anti-social behaviour in the University or local community;” and
- “(f) using inappropriate language, noises or gestures.”

8.9.4. These cannot be intended to cover sexual violence or sexual harassment, but it is possible that minor anti-social behaviour might have a sexual element, as might inappropriate language. It is not the case that a sexual aspect means that the matter cannot be dealt with by mutual agreement or local resolution. Such an approach can still mean that the matter is taken seriously. It is a question of proportionality. For example, a one-off email containing mildly offensive sexual language could be addressed in this way. Nevertheless, it is unlikely to be used in many cases involving gender-based violence. It is almost inevitable that cases involving sexual harassment or sexual violence will be dealt with using the second route.

8.9.5. The second route is resolution following investigation. There are three stages and these are carefully set out in regulations 33.88 to 33.103. The first stage is the investigation stage. It is carried out by the Investigating Officer and the actions which must be taken are prescribed in regulations 33.88 to 33.93. The Investigating Officer must prepare a report.

8.9.6. The second stage is for the Investigating Officer to refer the report to the Director of Academic Services, who is the Decision Maker. The Decision Maker has a range of options. There is an option to impose a level 1 sanction, which would bring the matter to an end, unless the responding student requests that it be considered by a conduct committee. There is also an option to refer the matter to the Senate Student Non-Academic Conduct Committee under level 2, which is what must happen if the Decision Maker considers that the allegation of misconduct may be more serious than can be considered at level 1. Thereafter, level 2 procedure is set out in regulations 33.98 to 33.103. That is the stage at which the committee meeting takes place.

8.9.7. Although in some respects the Code could be improved, and terms refined to remove ambiguities, this is, overall, a well-constructed document that makes it plain to all users what will happen and what is permitted and what is not. It is important that it is in formal terms and that it is accessible. Where it allows for the exercise of discretion it generally makes that clear.

8.9.8. The clarity of the Code is the starting point. It is absolutely critical that it is applied correctly and consistently. If there are failures in its application, or if some cases are treated differently, then that will almost inevitably result in serious adverse consequences. Such consequences will include confusion for members of staff, whether they are staff in the

conduct team or conduct committee members, and confusion for students who have to rely on the Code. It may lead to inconsistent outcomes and, ultimately a loss of confidence in the non-academic conduct system.

8.9.9. This is a formal code. Within its terms, having regard to the options for local resolution and mutual agreement, there is scope for resolution at a low level. It is not the case that every matter has to go to a conduct committee meeting. The Code itself envisages that some matters, which are less serious, may be resolved more swiftly. It is right that proportionality is built into a code such as this. It is essential that the proper procedure is followed. When a report of alleged misconduct is made, it must be dealt with according to the Code.

8.9.10. It is against that background that I express my concern that that procedure is not always followed. I have seen one non-academic misconduct file marked 'pending' with a reference to the fact that it is subject to an 'informal investigation' by a senior member of staff. I have also heard information about informal conversations taking place, including in a case involving a serious allegation. Such conversations have taken place possibly with a view to trying to resolve matters without further procedure. I understand that informal conversations such as these happen from time to time. Regrettably, there are insufficient records. I understand that these efforts are made with the best of intentions and in a genuine attempt to find solutions in difficult situations. It is possible that, in some cases, informal solutions have indeed been found, although I have not seen evidence of that. However, I also understand, from a number of discussions, that these interventions have caused confusion for students and serious frustration for other members of staff.

8.9.11. It is not possible to operate a conduct system in a satisfactory way if there are, in parallel, other conversations taking place informally involving either the reporting student or the responding student or both. In terms of the Code of Student Conduct there is no such thing as an 'informal investigation'. An investigation is either an investigation carried out by an Investigating Officer under regulations 33.88 to 33.93 or it is nothing. It is not clear to me how extensive this practice is but I am told that it does happen and I am clear that it must stop. There are good reasons for having a formal code in place and that code must be followed by all members of staff.

## 8.10. *The composition of committees*

8.10.1. Under the old Code of Student Conduct, the five members of a Senate Student Conduct Committee were the Convener (appointed by Senate) plus three College representatives (also appointed by Senate) and, where possible the President of the SRC or their nominee, whom

failing a Senate-appointed College representative. With the exception of the student member, the members were all academic members of staff.

8.10.2. Under the new Code of Student Conduct, the arrangement is similar, except that the Senate-appointed members are members of University staff, and may include management, professional and administrative staff, who will normally be at grade 9 or grade 10 level.

8.10.3. A small number of students made representations to the effect that academic members of staff should not sit on conduct committees because they are too remote and do not have a good or up-to-date understanding of student life. It was suggested that some academic members of staff might be out of date in appreciating the significance of gender-based violence. On the basis of my own discussions, I do not agree with those views. I met numerous members of academic staff with experience of sitting on conduct committees and, without exception, they were well-informed and well attuned to modern student life.

8.10.4. It was suggested that there should be external or independent members of conduct committees who might bring expertise in matters relating to gender-based violence. Sometimes, in professional regulation, disciplinary panels will include people from outside the profession to bring a lay person's perspective to decision-making. In my view, that is not really comparable to disciplinary procedures within a university. Whilst it may do no harm to have, perhaps, one member of a conduct committee who is external to the University, but at the same time aware of student behaviour standards, and that may bring some benefits in terms of a different point of view, I do not consider that it is essential. There would be potential disadvantages in relation to the extra administrative burden in recruiting and supporting such members. In any event, insofar as there are concerns about academics being out of touch (which I do not consider to be a substantial objection), that is now offset by the inclusion of management, professional and administrative staff under the new Code of Student Conduct, as well as the student member.

#### 8.11. *The approach of conduct committees*

8.11.1. Many of those with experience of participating in conduct committees spoke of their views of their fellow panel members and, almost without exception, referred to a strong sense of dedication to the task and a willingness to take the issues very seriously. I also gained a clear impression of responsible, experienced individuals prepared to commit a great deal of time and effort, essentially as volunteers, to an important and difficult task. I noted that those on committee who were members of staff spoke highly of contributions made by student members.

8.11.2. In some cases, there are substantial quantities of documents and preparation can be very time-consuming.



8.11.3. Some members noted that it is very difficult to chair a conduct meeting and ask questions of witnesses and participate in decision making. I agree that chairing a meeting of this kind requires skill and care but I do not think that there is a case for having a convener who does not participate in decision making.

8.11.4. Over the years, the level of training available for conduct committee members has increased. Training now encompasses that provided by Rape Crisis Scotland in relation to gender-based violence. However, as discussed elsewhere, Rape Crisis Scotland training is focused on particular issues and is not intended to be comprehensive. Some committee members spoke of the need for training that is more targeted to the nature of the task, specifically in relation to the assessment of evidence and the scope of questions which it is proper to ask of a witness.

8.11.5. Some people expressed concern that some conduct committee members have tended to favour the reporting student with a wish to support that student. Others, by contrast, have suggested that some committee members have taken an excessively sceptical or critical view of reporting students and, in that way, have favoured responding students. I have thought very carefully about criticisms that have been made of this kind. These observations have not been made casually or dismissively. A few people, and I emphasise a small minority, have suggested that there is a tendency on the part of some committees, or some committee members, to approach the task in a way that is not neutral. I have not seen evidence to substantiate this concern. I note that the criticisms go in both directions. I find more compelling the more widely held view that the normal approach of the great majority of committee members is to come to the task well prepared and with an open mind.

8.11.6. I am reinforced in that view having listened to a number of people involved in decision-making explain their sense of anxiety during and, indeed, after considering cases about the difficulty of weighing up one person's word against another, and about it being impossible to be sure. On the whole, these are people who think carefully about the matters before them. Difficulties in the conduct process cannot, in my view, be attributed to improper or inappropriate attitudes held by committee members.

## 8.12. *Standard of proof*

8.12.1. Cases must be determined on the balance of probabilities. The new Code of Student Conduct introduces an expanded explanation at regulation 33.42:

“The standard of proof at each stage of the procedures under this Code will be “on the balance of probabilities” (rather than “beyond reasonable doubt”). This means that, for each event or incident, the Decision Maker must be satisfied, on the evidence available, that it is more likely than not that the event or incident occurred.”

8.12.2. (The reference to “Decision Maker” as a defined term in this paragraph is, I assume, an error, since the standard is to be applied at all stages.)

8.12.3. I have heard expressed repeatedly an anxiety about the difficulty of applying the balance of probabilities standard. Views have been expressed that it is quite challenging to be satisfied, applying that standard, knowing that the consequences for the responding student may be severe. It has been suggested that, in reality, some responsible for making decisions may be seeking a greater level of certainty, or are troubled that 51% (which is one interpretation of “more likely than not”) is too low a bar. At least one person has asked that better training be given on the meaning and application of that standard.

8.12.4. I would agree that there is room for increased and improved training on conduct procedure and on the treatment of evidence. Such training might include an analysis of the civil standard of proof. However, beyond reiterating what “more likely than not” means, I am not sure that there is much that training can add. It seems to me that the anxieties expressed, which are sincere, reflect not so much a concern that committees do not understand the standard as a sense of unease that “we have heard the evidence, we don’t know what happened but he probably did it” is not a sure foundation for a finding that may result in the responding student being expelled from the University. I have also heard it suggested that conduct committees may, consciously or unconsciously, compensate for that unease by finding that the misconduct is established but imposing a less severe penalty than might be applied if there had been a greater degree of certainty.

8.12.5. Questions of proof and certainty and doubt are inherently difficult. Providing extra gloss to the definitions is unlikely to help. The standard has been the balance of probabilities for a long time and it is consistent with the approach taken in most areas of professional regulation. These are not, of themselves, sufficient reasons for maintaining that standard. However, applying the higher standard, that of beyond reasonable doubt, would be likely to result in virtually all conduct complaints being dismissed.

### 8.13. *Difficulties in making determinations: evidence*

8.13.1. Generally speaking, cases involving non-academic misconduct, and gender-based violence in particular, are much more complex than those which relate to academic misconduct. In the first place, the facts are almost invariably disputed. There is rarely reliable physical evidence,

leaving committee members assessing witness evidence of variable quality. Very often, the only information available will be the accounts of the reporting student and the responding student, and possibly some observations from friends or character references. The phrase repeatedly used by those describing these situations was “it’s he said, she said”.

8.13.2. In cases involving sexual violence or sexual harassment, assessing witness evidence is challenging. The quantity of evidence may not be extensive but the conduct committee members may struggle with the quality. Of course, there are variations from one case to the next but common problems encountered relate to evidence of consent, or lack of consent, and taking into account the effect of alcohol on the reliability of memories.

8.13.3. Committees must also be responsive to the fact that most, if not all, of the students who come before them, whether as reporting students or responding students, will find the process daunting and in some cases quite frightening. A hearing may take several weeks, at best, to arrange and perhaps many months. Delay in itself can induce anxiety. In many cases there will also have been police involvement. Even with the best resourced systems operating maximally efficiently and with good surrounding care, it is likely that at least some of those involved will experience distress. In cases involving gender-based violence, the nature of the evidence will be personal or sensitive and may be thought to be embarrassing.

8.13.4. Specialist training focusing on the impact of sexual violence is very important in this context. I consider questions about such training in chapter 15.

8.13.5. One particular point of sensitivity is that at a meeting the reporting individual and the responding student may encounter each other and may require to interact. It is a necessary part of fair procedure that a person against whom an allegation has been made should have the opportunity to test that allegation, including by asking questions. The new Code of Student Conduct recognises that such encounters may adversely affect wellbeing. I have referred already to the safeguarding and wellbeing provisions at regulation 33.64. A person asking questions should certainly not be allowed to abuse the process. At the same time, safeguarding concerns should not be allowed to render the process unfair.

#### 8.14. *Time limits*

8.14.1. In the new Code of Student Conduct there is now a provision relating to “Time Frames”. It is stated in regulation 33.38 that:

“Conduct procedures will proceed without undue delay and will not normally take more than 60 working days from the start of the investigation into an allegation to the conclusion of any appeal meeting. Extensions to this timescale may be required if, for example, the case is particularly complex, there is a related criminal investigation or prosecution, because of delays caused by the Reporting Individual or the Responding Student, or other circumstances beyond the reasonable control of the University. All parties will be informed of likely timescales and updated where delays are necessary.”

8.14.2. (That is the current version. The 2021-22 version referred to a period of 90 calendar days rather than 60 working days.)

8.14.3. Only two cases raised under the new Code of Student Conduct have been concluded. Each took significantly in excess of 60 working days even though they only involved level 1 procedure.

8.14.4. On the information currently available, it would be very optimistic to think that any of the current cases started under the new procedure will be completed within 60 working days.

8.14.5. There are some intermediate time limits. A responding student must be given 10 days' notice before a conduct committee meeting or an appeal committee meeting to allow time to prepare: regulation 33.59. Beyond that requirement, though, the timing for submitting evidence is unregulated. A responding student may submit written evidence instead of attending at the meeting: regulation 33.60. The committee may rely only on evidence, presented verbally or in writing, at the meeting in making their decision, and may adjourn the meeting and delay making a decision where it is decided that further investigation is needed: regulations 33.61 and 33.62.

8.14.6. I mention these provisions because I am aware that problems arise when a responding student decides to submit information either shortly before or even during a meeting. In some cases, substantial documentary evidence is disclosed at very short notice and, in the interests of fairness, the only option is to adjourn the meeting. That problem could be avoided, or at least reduced, by building into the Code a requirement for any statement or document to be given to the committee a certain number of days in advance of the meeting. That would be a modest and uncontroversial change and consistent with normal regulatory practice. Late information might be allowed in exceptional circumstances but the clear expectation should be that committee members have sufficient time to consider all relevant material.

## 8.15. *Representation*

8.15.1. There is a right to be accompanied or represented at meetings and the relevant provisions are found in regulations 33.44 to 33.48. There has been a change in the right to representation between 2020-21

and 2021-22. In the old Code of Student Conduct, a responding student had a right to be “accompanied, assisted or represented” by any person. Under the new provisions, a responding student is entitled to be “accompanied” by a family member, a fellow student or friend, an adviser from the SRC Advice Centre, or a member of University staff. There is no express entitlement to be “represented”. Instead, the responding student will normally be expected to speak for themselves: regulation 33.45. With permission, the responding student may be represented by the person accompanying them and the person may speak on their behalf. The request for permission must be made in advance and supported with reasons: regulation 33.46.

8.15.2. A responding student who wishes to be accompanied or represented by a person other than those listed in regulation 33.44 must request permission, and before a decision is reached on permission the Director of Academic Services must be consulted: regulation 33.48. There is no automatic right to be represented by a lawyer.

8.15.3. The removal of the automatic right to be represented by a lawyer and the steps that now have to be taken internally before permission is granted are, for different reasons, both surprising and unsurprising.

8.15.4. The clear message is that lawyers should not be involved in conduct proceedings, unless there are exceptional circumstances, and that permission will only be given after very careful consideration. That is surprising having in mind the fact that in some cases, where the allegation relates to misconduct which, if established, would result in expulsion, the outcome of misconduct proceedings may be very serious indeed. In such cases, a responding student may well consider that professional representation is necessary and appropriate. That may be especially acute where the responding student intends to pursue a career which depends on the degree and on being able to satisfy fitness to practise, for example medicine, but in other cases too the difference between getting a degree and not may have a serious effect on a person’s life and career choices. Whilst that might fall within exceptional circumstances and it might be likely that permission would be granted, it is unsatisfactory, from the perspective of the responding student that he or she should be in a position of uncertainty.

8.15.5. On the other hand, given the views that I have heard expressed about lawyers participating in misconduct proceedings, I am not surprised that the University has moved to make that more difficult. Almost without exception, those with experience of misconduct proceedings spoke with disapproval bordering on hostility towards lawyers acting in that forum. I was told that, very often, lawyers representing responding students behave in an aggressive and unhelpful way, especially when asking questions of witnesses, that there is a tendency to try to use what are seen as procedural tricks and that, sometimes, they can be patronising towards committee members. A

view repeatedly expressed was that when lawyers are involved they tend to behave as if they are in a courtroom and that they do not understand that the University environment is different. Worryingly, I was also told that lawyers often make things worse rather than better and that, in some cases, responding students might have had a better outcome had they not been represented in that way.

- 8.15.6. These are serious matters and it is important to put them in perspective. I also heard from one solicitor with experience of representing students in a very small number of cases. That person's view was that the committee procedure was unsatisfactory, among other things, because of the limits placed on asking questions of the reporting student. When a reporting student became upset, the convener intervened to bring questions to an end. Moreover, there are doubts about the proper framework and parameters of a meeting and about the quality of evidence and the ability of members of the committee to test that evidence. In short, this person's view (which related to the old Code of Student Conduct and based on experience some years ago) was that the system, although administratively well run, was insufficiently robust.
- 8.15.7. Another point for perspective is that I understand that there are only a very small number of solicitors who are instructed in University conduct proceedings.
- 8.15.8. I am troubled by what I heard about the involvement of lawyers in these processes and I am particularly concerned by what appears to be a gulf in understanding of respective roles. It is superficially attractive to say that "this is a University and not a court" or "we just want to find out what happened". The University is only looking at whether certain behaviour amounts to misconduct and is not concerned at all with the criminal law. However, these approaches rely on a perception that the University and the courts look at fundamentally different things in a fundamentally different way. It is also attractive to try to draw bright lines between adversarial and non-adversarial processes. Inevitably, the position is more nuanced. Courts are also in the business of finding out what happened, as best they can, and they are subject to regulation of procedure which serves in part to protect the interests of vulnerable witnesses. If those unused to either the civil or the criminal justice system see lawyers behaving aggressively and assume that that is just how things are in court, then that would be a mistake. Courtesy is as important in court as it is anywhere else, and perhaps more so. Courtesy in a misconduct meeting ought to be a given.
- 8.15.9. Another important part of the context is that where evidence is disputed it will require to be tested. If the position of a responding student is that a reporting student's account is untrue, then that account cannot be accepted uncritically. Questions have to be asked. Testing evidence by asking questions takes skill. Of course, a person asking questions, whether legally qualified or not, should never bully, belittle or berate a witness. However, it is almost inevitable that there will be

questions about things that are distressing or embarrassing. A good lawyer, doing his or her job well, ought to be able to handle that exercise in a way that genuinely assists the committee and does not cause unnecessary distress to the reporting student. That ability comes with training and experience. It would be unfortunate to exclude lawyers from the process on the basis of a view that they invariably cause harm.

- 8.15.10. Alternative scenarios include the possibility of a responding student, or his or her friend or family member, asking questions of witnesses. That has the potential to be very distressing for the reporting student. There is some measure of protection where questions are asked through the convener, but that has its limitations. Another possibility is that important questions may not be asked at all.
- 8.15.11. Describing a system as ‘non-adversarial’ does not, of itself, make it so. The members of the Committee are in a fact-finding role and may consider that the responding student and the reporting individual and any other witnesses are there to assist in that exercise. That is so, on one level. On another level, the responding student has interests to protect and it is understandable that, especially where there is a lot to lose, he or she will want to protect those interests in the best possible way. If that includes taking legal advice and seeking and paying for legal representation then that choice should be respected. Lawyers should not be criticised for acting in the interests of those they represent; that is their job.
- 8.15.12. At the same time, lawyers must be very mindful of all of their responsibilities. They owe a duty to their client and they are also expected to behave in a courteous and respectful way. They may also reflect on the fact, though it is hardly a new discovery, that aggressive behaviour is likely to be counterproductive.
- 8.15.13. As already noted, University processes are not in all respects analogous to the regulation of the professions or to other roles where discipline is regulated by statute. Nevertheless, most regulators dealing with fitness to practise questions or where disciplinary proceedings involve charges of gross misconduct, allow legal representation without a permission test. If the University were routinely to decline requests for legal representation, especially in cases of serious misconduct where expulsion is a possible sanction, it should anticipate facing challenges from those denied that support.
- 8.15.14. I have referred elsewhere to the support provided by the SRC Advice Centre. The view is, generally, that the quality of that support is very good. However, the real difficulty, as explained in paragraph 6.11.6 above, is that the Student Advice Centre cannot advise or represent both the reporting student and the responding student in any one case. The new Code of Student Conduct, at regulation 33.90, states that, in the context of a meeting with an Investigating Officer, “the Responding Student will be given notice of the meeting and be provided with the

details of the allegation and a copy of this Code in advance. The Responding Student will also be told how to access advice and support, for example from the SRC Advice Centre.”

8.15.15. If, having been given that information, the responding student tries to access advice and support from the SRC Advice Centre and is then told that that is impossible because the Advice Centre is already supporting the reporting student, then that part of regulation 33.90 has no value and, indeed, may be misleading. The timescales are supposed to be short. Sending a responding student to seek advice where there is a strong likelihood that the Advice Centre will not be able to supply it takes up time to no purpose.

8.15.16. More importantly, though, there are no institutional alternatives to the SRC Advice Centre. I asked several people where a responding student would or could go if the door of the Advice Centre was closed because of the conflict problem. The response was “good question”. Realistically, if a student wishes proper, independent advice and cannot go to the Advice Centre, the only option will be to go to a solicitor. That is likely to involve significant expense. Given the new Code is now set up in such a way that discourages the participation of legal advisers, the responding student may be significantly disadvantaged. Some responding students, of course, will have family or friends with professional skills and experience who may be willing to act as informal supporters. Those without are penalised and, in any event, that is not a proper substitute for independent and expert advice.

8.15.17. Separately, I understand that, from time to time, students’ parents come to meetings either accompanying or, occasionally, representing responding students in non-academic misconduct cases. For some, that may be helpful, but I am told that parental intervention rarely assists. Whilst parents will, understandably, have a deeply felt sense of concern for a child experiencing difficulties in this way, they often lack the necessary objectivity.

8.15.18. There is a possible solution, but it will cost money. The conflict problem in the SRC Advice Centre arises in the main because of the small size of the organisation. An expanded service might allow for there to be a clear demarcation between advice given to responding students and advice given to reporting students. Such a service would build in systems obviating the need to share files and protecting confidentiality of information.

8.16. *Do responding students take the proceedings sufficiently seriously?*

8.16.1. Some experienced committee members have identified a theme of responding students failing to appreciate that facing a complaint involving sexual violence or sexual harassment is a serious matter. Whilst some students (or their parents) might rush to engage a lawyer,



there are others who, when notified of a report simply do not realise that it is important and leave it too late to prepare. This may reflect a more general failure to appreciate that gender-based violence is a serious issue. Increased awareness of the issue itself may have the result that responding students deal more seriously with reports when they are made. It would assist for there to be a standard message in the first communication to the responding student to the effect that he or she should take it seriously and obtain advice.

#### 8.17. *Communication amongst panels / committees*

8.17.1. Some conduct committee members noted that they operate in relative isolation and have little sense of the approach taken by other committees, either to procedural issues or to questions of sanction levels. Obviously, each committee must make its own decisions. Experienced members will accrue knowledge but, rather than relying on that alone, it would be preferable to put in place a mechanism which allows committee members to maintain awareness of work done elsewhere. That should be relatively straightforward, once there is a stable and properly resourced staff team in place with a good case management system. A number of similar bodies, such as professional regulators, have produced practice notes or other guidance documents on common issues arising. These may be procedural issues (e.g. what factors to consider if there is an application to adjourn), or substantive issues (e.g. what does the standard of proof mean, or indicative sanctions guidance). In the longer term, the University may wish to develop similar guidance, in order to promote consistency in decision-making across panels.

#### 8.18. *Sanctions*

8.18.1. An issue that causes concern for committee members is the extent that they can or should take into account, when deciding sanctions, questions about the impact on a student's future career or the consequences for a future fitness to practise assessment. The archetype is the (hypothetical) fifth year medical student. Expulsion may well bring a career to an end before it has begun. A committee determining sanctions may also be inclined to take into account broader questions about public investment, which is very high in the case of a medical student, and the wider costs of disciplinary sanctions. There are differing views, of some strength on both sides, as to whether that is legitimate.

8.18.2. The new Code of Student Conduct empowers conduct committees to take into account questions of fitness to practise. It does so in two ways, the first at the stage of deciding whether something is misconduct. An example of non-academic misconduct is given at regulation 33.19(v):

“Behaviour that is likely to render a student unfit to practise the profession to which their degree leads.”

- 8.18.3. It is difficult to think of behaviour that would fall only within (v) although there may be some very profession-specific sorts of misconduct. It is not obvious to me that this ought to be an example of misconduct at all. If the behaviour is wrong, then it will be wrong whoever does it.
- 8.18.4. However, the second point is that, when deciding on sanction, the Code states, in new provisions at Annex B, that each case is considered on an individual basis, depending on its context and, more specifically, that:
- “the decision makers also recognise and will consider the possible differential impact of sanctions on different students, for example:  
the impact of the sanction on the student’s ability to progress or gain a qualification (this may vary, for example, between a first year and final year student);  
[...]  
the impact on the student’s ability to gain access to a profession for which the qualification would normally grant access;”
- 8.18.5. Presumably, “decision makers” is not intended as a technical term.
- 8.18.6. There is a possible tension between the University having regard to fitness to practise as a basis for deciding whether or not behaviour is misconduct, and also having regard to career impact when determining sanction.
- 8.18.7. There is something inherently unsatisfactory about the idea that pursuing a degree related to professional practice might protect a student against a more severe sanction. In other words, for the same type of misconduct, a philosophy student might be expelled but a medical student might not. Whilst for some degrees – medicine, veterinary medicine, law, engineering – a student can easily point to a career impact, in other cases the position is much less clear cut. The philosophy student or the history student might argue that he or she wants to go into teaching, which is a regulated profession. A degree is a pre-requisite for teaching, but it need not be subject specific. Any student could say that he or she is contemplating a teaching career.
- 8.18.8. The rationale for introducing this provision appears to be that the impact that expulsion would have is likely to depend on the type of degree. Expulsion may be more severe in its impact on the medical student than on the philosophy student. The committee is, under the current Code, empowered to take that into account, though it does not have an obviously principled basis. In any event, that there will be difficult cases and it is not clear to me how a committee would apply this provision in such cases.

## 8.19. *Delay*

8.19.1. I have considered elsewhere in this report the relationship between University proceedings and criminal proceedings. One very difficult problem is the impact of delays which arise when matters are reported to the police. A criminal investigation may take months or even years. In a serious case, and depending on the outcome of a risk assessment, a student may be suspended pending the outcome of that investigation. That suspension may be very lengthy.

8.19.2. If the responding student is not suspended, then he or she must be permitted to continue with his or her studies, although there may be restrictions in place in relation to contact with certain people. Delay and uncertainty will almost inevitably have an effect on the welfare of both the reporting individual and the responding student, and possibly on others.

8.19.3. There will also be a procedural impact in some cases. Where an allegation is made against a student who is only registered for a year or against a student who is in his or her final year then there is every likelihood that the student will have finished his or her degree and graduated before any meaningful procedural steps can be taken. Although there is provision for continuing some procedures after a student has left, there must be doubt about the value of that course.

8.19.4. Whilst that may be a source of frustration for the reporting individual, it is simply an aspect of the limits that exist on what the University can do.

8.19.5. Delays are attributable not only to police investigations or criminal proceedings. Students can take a long time to respond to questions, but that can be managed. Weaknesses in the University's own processes, discussed above, have also caused serious delays.

## 8.20. *Involvement of reporting individual*

8.20.1. The new Code of Student Conduct makes it clear that the reporting individual must be invited to "all or part of the meeting" as a witness: regulation 33:100. The new Code also allows a reporting individual to be accompanied at a meeting. That is a change relative to the previous code. Previously, attendance at the hearing of persons other than the student against whom the allegation had been made was allowed at the discretion of the committee and there was no right to be accompanied. This greater acknowledgement in the Code of the place of the reporting individual, and of the fact that person may benefit from having someone to provide support and guidance, addresses a concern I heard expressed by a number of people to the effect that reporting students can find themselves "lost" in the process. In fact, they can

attend, if they wish, and can be accompanied, though that may not yet be widely understood.

8.20.2. If a reporting individual declines to attend or to answer questions, that may make the committee's job harder. In that event, it will be important for the reporting individual to be advised of the outcome promptly.

8.20.3. Some decisions will be reached by the decision maker at level 1. If that happens, there is no meeting. The new Code of Student Conduct does not make any provision requiring the reporting individual to be advised of the outcome. In one of the two cases completed under the new procedure there was a significant delay in sending a communication to the reporting individual. It should be an integral part of the process that the reporting individual is promptly informed of the outcome.

8.20.4. Another concern expressed by some was that the conduct proceedings focus on the responding student and that the committee may lose sight of the reporting individual. The increased emphasis in the new Code on the involvement of the reporting individual meets that concern. If the Code is applied properly then the reporting individual will be seen more as part of the process. It remains the case, of course, that the allegations are made against the responding student. It is not a case in which there are two parties of equivalent status.

*Recommendation (9).*

*The University should keep the Code of Student Conduct under review. In the review process, the University should consider the following issues:*

*Drafting: accuracy and clarity*

- *Consistency with the Dignity at Work and Study Policy and the Code of Practice on Unacceptable Behaviour*
- *Ambiguities and the scope for confusion in the list of examples of unacceptable conduct*

*Policy: issues of principle*

- *The University should consider and clarify its position in respect of accepting complaints (including complaints from members of the public) about student conduct in situations unconnected with any University activity. It should consider whether, as a matter of policy, it wishes to maintain a position whereby it accepts and processes all complaints, or whether it should apply a threshold test.*
- *The University should reconsider whether Student Liaison Officers are either necessary or helpful.*
- *The University should review the position in respect of the differential treatment of students according to the nature of their course and anticipated professional qualifications in the context of the application of sanctions.*

### Procedural improvements

- *The University should revise the procedure to introduce interim procedural time limits requiring evidence or submissions to be provided to the Student Non-Academic Conduct Committee in advance of a meeting and with sufficient time to allow the committee members to consider any such material.*
- *The University should reconsider whether a student who wishes to be represented (and, in particular, who wishes to have legal representation) at a meeting should be required to obtain permission, and, if so, what criteria should be applied when deciding whether or not to grant permission.*
- *The University should make it clear that the reporting individual will be informed of the outcome of a level 1 decision.*

### Practical implementation

- *The University should consider whether it is realistic to continue to ask members of staff to undertake investigations into non-academic misconduct alongside other full-time responsibilities. The University should consider whether to appoint specialist investigators to carry out all or some non-academic misconduct investigations.*
- *The University should put in place detailed guidance to assist Investigating Officers.*
- *The University should put in place suitable guidance to assist members of Student Non-Academic Conduct Committees. In due course, the University should develop and maintain a set of practice notes on procedural and practical matters for the benefit of those serving on such committees.*
- *The University should put in place suitable guidance to assist reporting individuals, responding students and their representatives and should work with the SRC in making relevant and up to date information available to students.*
- *The University must ensure that all members of staff adhere to the procedure in the Code of Student Conduct. Where there is scope for resolution at an early stage, that must be done in accordance with the level 1 procedure.*

*Recommendation (10). The University, as a matter of urgency, must put in place measures to support the members of staff handling non-academic student conduct cases and to address the current case management and delay issues. In the longer term, the University must ensure that non-academic student conduct work is sufficiently resourced and that proper strategic management is put in place.*

*Recommendation (11). The University should work with the SRC to expand the capacity of the Student Advice Centre, with the aim of creating a structure allowing the Student Advice Centre to provide advice and support to both a reporting student and a responding student in any case.*

## **9. STUDENT UNIONS: GLASGOW UNIVERSITY SPORTS ASSOCIATION, QUEEN MARGARET UNION, GLASGOW UNIVERSITY UNION**

### *9.1. Introduction*

9.1.1. The student union arrangements at the University are unusual. There are four separate bodies with their own structures. Three of those have their own distinct procedures for dealing with conduct matters. Insofar as those procedures deal with gender-based violence, they are in many respects dysfunctional.

9.1.2. The SRC is in a category of its own. It represents the interests of all University students and has a structure based on an elected council and an executive made up of elected sabbatical officers who are employees of the University. All fully registered students are eligible to vote. The SRC President is a member of the University Court and is eligible to participate as a member of a Senate Student Non-Academic Conduct Committee. In that sense, the SRC is embedded within the University.

9.1.3. Glasgow University Sports Association (GUSA) is in a slightly different category. It also has an elected council, whose function is to represent all students participating in sport at the University. Its status is that it is an autonomous organisation but its constitution is subject to the approval of the University Court. It receives an annual grant from the University Court, which also has the power to nominate certain members to the GUSA Council. The staff team at GUSA are University employees. Students who wish to use sports facilities pay a membership fee. Over 50 University sports clubs are affiliated to GUSA.

9.1.4. The Queen Margaret Union (QMU) and the Glasgow University Union (GUU) are different again. These are essentially membership organisations. They are connected to the University to the extent that eligibility for membership is restricted to University students and they also receive funding from the University. They have their own committee and management structures and their own constitutions. The GUU in particular has a sophisticated suite of regulations, including a well-developed constitution, a discipline memorandum and a detailed complaints procedure.

9.1.5. On one view, things that happen in the GUU and the QMU, which are essentially private and separate from the University, are outwith the scope of my investigation and review. I do not share that view. Whilst I understand that they are independent and that their policies and procedures are a matter for them, their identities, not to mention their funding arrangements, are tightly bound up with the University and the issues arising there are so closely related to those arising within the University itself that it would be quite artificial to disregard them. Moreover, some of the most compelling and distressing accounts of

problems encountered in responding to gender-based violence came from within the unions themselves or from those who had experienced difficulties on their premises or in dealing with them.

9.1.6. Each of GUSA, the QMU and the GUU has had experience of cases involving sexual violence or sexual harassment in recent years and a few of these have generated a lot of publicity. There have been several cases where those against whom allegations have been made have had a high profile within their organisations, as sabbatical officers or in other positions of responsibility.

9.1.7. In the course of my investigation, numerous students and former students contacted me because they wished to tell me about issues arising in the unions in the handling of complaints relating to sexual violence and sexual harassment. Particularly striking were the accounts given to me by office bearers or former office bearers, although I also spoke to a number of students who had made complaints of sexual violence and to students who had been the subject of such complaints. A number of students came forward with accounts of having experienced gender-based violence at union related events but who had decided not to make reports.

9.1.8. There are important points of distinction amongst the unions in terms of their structures and their disciplinary arrangements. There are also differences in the experiences that students have and in their willingness to make reports. In very broad terms, the distinctions can be described in this way.

9.1.9. As already noted, the GUU has very detailed written policies and procedures. These are published on the GUU website. Amongst other things, the GUU Discipline Memorandum provides, at paragraph 2.1, that reports of misconduct may be made in relation to “any conduct by a Member of the Union or a visitor [...] that takes place on or near Union property which is an offence against the person [...].” We were told that a very small number of reports have been received in the past five years. However, several female students spoke to us to say that they had experienced sexual assaults by men on GUU premises but had not reported them.

9.1.10. By contrast, the formal reporting and complaint handling arrangements within the QMU are much less structured and less detailed. The QMU website invites complaints to be made by sending an email to the QMU President but no other information is given on the website, apart from an assurance that they will be handled anonymously and professionally. It would appear that a significantly greater number of reports are made to QMU than are made to GUU.

9.1.11. GUSA serves a different purpose to either the GUU or the QMU and has a different relationship with the University. GUSA has its own constitution and it has a detailed Discipline Procedure. Until relatively

recently, the GUSA Discipline Procedure was rather sparse but it has been substantially revised and improved and the new version came into effect in May 2021. The GUSA Discipline Procedure takes account of the relationships that GUSA has both with individual sports clubs and with the University's conduct procedures, although it does not reflect the fact that the University's own procedures changed at the start of the 2021-22 academic year. The GUSA procedure recognises that some matters will be of a minor kind and capable of being addressed at club level. It also recognises that serious matters ought to be passed to the Senior Senate Assessor for Student Conduct (which should now refer to the Head of Student Conduct, as the person responsible for the administration of non-academic misconduct matters).

- 9.1.12. Notwithstanding the differences amongst the unions, it appears to me that there are common themes which should be identified before considering what sort of response is appropriate in each case.

## 9.2. *The numbers of reports*

- 9.2.1. There are no accurate statistics showing the numbers of incidents relating to sexual violence or sexual harassment within the unions or relating to members of the unions. The way in which reports are made varies, ranging from informal comments made to office bearers on duty at a social event about a person's behaviour to formal, written complaints. Within GUSA, a complaint may be made at the level of an individual sports club and it may stay at that level, or it may be escalated to the GUSA level. GUSA representatives may provide guidance to individual sports clubs. It ought to be that all serious issues relating to sexual misconduct are escalated. I understand that in the past year GUSA has dealt with approximately 30 disciplinary cases, the majority of which have involved gender-based violence.
- 9.2.2. Those who spoke to me from GUSA and the QMU explained that there had been a very marked increase in complaints of sexual violence and sexual harassment in the last 18 months to two years. Some attributed that to the post-covid experience. For many students, the start of the academic year in 2021-22 brought opportunities to socialise that had been denied them for a long period. Some also attributed the increase in reports to the increased visibility of the unions which had been generated by media coverage of high profile cases and an awareness that the unions might be able to help.
- 9.2.3. Worryingly, I was also told that in some cases students might raise their complaints with one of the unions rather than with the University because they did not believe that the University would deal with their concerns, or that it would take too long or be too difficult. This was a common theme and it is a matter of serious concern.



9.2.4. The QMU operates a system whereby elected committee members, who are students, have a duty rota for events taking place on their premises. They are present alongside venue and security staff and take responsibility for handling complaints that arise on the night or which are communicated afterwards. Based on that experience, I was told that, at least for a period in 2021, during or after each weekly club night there would be on average six complaints, mostly related to groping or unwanted sexual contact.

9.2.5. All of those I met from GUSA and the QMU with recent or current experience of dealing with incoming complaints spoke of a high volume of reports such that they found that these matters were taking up most of the time that they have available for their union duties, and, for some, all of that time.

9.2.6. Whilst accurate quantification is difficult, I was given consistent information by a range of people with immediate and relevant experience to the effect that the unions are having to deal with a substantial number of reports made by students about sexual violence or sexual harassment. Whilst the pattern at the GUU does not appear to be the same as that within the QMU or GUSA, I was concerned by the information from some women who came forward to say that something had happened at the GUU but that they had not reported it. They referred to things that had taken place at Hive nightclub, but said that they had not reported them because they thought that there would be no point. They would not trust the GUU to deal with a complaint and they feared the social backlash. There are fewer reports made to the GUU, but, on the basis of what I have been told, I do not believe that it can be taken from that there is better behaviour on GUU premises than on QMU premises.

9.2.7. It is frustrating not to have an accurate picture of the number of reports. I was concerned that there might be some risk of exaggeration. However, I also had discussions on this subject with SRC representatives and with some University members of staff with an awareness of these issues. Those discussions confirmed an understanding that there are serious problems, at least within the QMU and GUSA, in dealing with reports of sexual violence and sexual harassment. Those problems arise, in part, because of the number of reports that are made.

### 9.3. *Who takes responsibility for handling complaints about sexual violence and sexual harassment?*

9.3.1. Responsibility for handling these complaints lies, in most cases, with a student elected to an office within the union, usually the president. In the sports context, responsibility might lie first with the captain of the individual sports club in question, but in most cases it will be the GUSA President who will have the most prominent role.

- 9.3.2. This arrangement gives rise to serious problems.
- 9.3.3. Handling complaints of sexual misconduct is demanding, difficult and time-consuming. When comparable complaints are handled within the University system, they are or should be dealt with at an administrative level by experienced, permanent members of staff who have received training appropriate to the task and who are or can be expected to become specialists in the role. When such complaints reach a decision-making level, they are considered by experienced, trained members of staff. At the level of a Conduct Committee, that means consideration by a panel of four experienced individuals, usually holding senior academic positions.
- 9.3.4. The complaints handling situation in the unions is different. I make no criticism of the students who are undertaking this work. It was clear from all of the discussions that I had that those who are handling these responsibilities are trying their best in very difficult situations. Indeed, in some cases they themselves explained that they were not properly equipped to carry out this work.
- 9.3.5. The students responsible for complaints handling in the unions are, typically, themselves undergraduates. They are elected to office for one year, although they may have served previously as a vice-president and thereby gained some understanding of the nature of the role. At the point that they are elected, it is very unlikely that they will have received any training relevant to the handling of gender-based violence complaints and may well be unfamiliar with the applicable disciplinary procedures. A year is a very short period within which to build up experience and, by the time the individual has developed some skills, it will be time to stand down to make way for the next elected officer.
- 9.3.6. Students fulfilling the complaints handling role will find themselves dealing with allegations made against their peers and, in a few cases, their friends. I have heard accounts of such situations.
- 9.3.7. For that reason, and for others, serving as an elected officer with these responsibilities, whether as president or welfare officer or in a similar role, is extremely demanding and can be very stressful. I am aware of more than one person who has resigned or stepped down early because of the stress, or has contemplated doing so. Elected officers whom I met spoke of these responsibilities being above their pay grade and not being at all what they expected when they started. They had not appreciated that working for the QMU or GUSA, essentially as volunteers (although a couple have held office as paid sabbaticals) would involve long hours dealing with complex and distressing allegations of sexual misconduct. In some cases, this work takes up most of their time and has displaced other activity.
- 9.3.8. It is unfair to expect students, who stand for office aiming to take forward a social or sporting programme, to carry this burden.

#### 9.4. *What are the consequences?*

9.4.1. There have been cases where the unions have dealt with sexual misconduct allegations in which mistakes have been made and some of those mistakes have been serious. This is not surprising. In the recent past, some elected officers have found that their disciplinary procedures are not adequate to deal with complex complaints of this kind. The GUSA Discipline Procedure was amended in 2021 to make the process clearer. I am aware of one case in which it appears that the student decision-makers did not appreciate the nature of the evidence before them and did not give the student against whom an allegation had been made the opportunity to make representations. In another case, those responsible were in real doubt as to the extent of their ability to investigate a complaint. I have no wish to criticise those responsible; given the pressures, it is almost inevitable that there will be consequences of this kind.

#### 9.5. *What are the limits on what the unions can do?*

9.5.1. The scope of the GUU Discipline Memorandum is limited to conduct which takes place “on or near Union property”. The GUU does not attempt to regulate its members’ behaviour in other places. This is a proportionate restriction and it may be a partial explanation (though only partial) for the relatively low number of reports received, compared to the QMU. The maximum penalty which the GUU may impose is expulsion from membership.

9.5.2. The QMU will consider complaints made about its members’ behaviour on QMU premises and also elsewhere. It ties its standards of conduct to the University’s Dignity at Work and Study Policy (although, perhaps curiously, not the Code of Student Conduct). The policy states “minor misdemeanours” will be dealt with by QMU who may issue warnings, ban members for visiting for up to one week or revoke membership on a temporary basis. “More significant complaints” will be passed to the University’s Senate office. The distinction between minor and more significant complaints is not clearly defined and we are aware of the QMU investigating and adjudicating on complaints which, on any reading, related to serious allegations of sexual assault.

9.5.3. The GUSA Discipline Procedure does not restrict its scope to behaviour whilst engaged in sporting events. It is stated at the beginning that “All GUSA members and affiliated clubs are expected to adhere to the following code of conduct when acting as a representative of GUSA. By joining a GUSA affiliated club, students agree to abide by this code of conduct and discipline procedure.”

9.5.4. Paragraph 3.1 of the Discipline Procedure provides: “In the first instance the Club Committee will investigate any alleged disciplinary incidents and, where misconduct is established, either impose an appropriate penalty or, if there is evidence of a breach of the University Code of Student Conduct, refer the matter to the Senior Senate Assessor for Student Conduct via the Senate Office.” There are further provisions allowing for such referrals to be made by a GUSA Disciplinary Committee or by the GUSA Council. The implication is that a referral to the Senate Office (now the Head of Student Conduct) may only be made *after* there has been a finding of misconduct. Paragraph 5.2 gives a list of “potential sanctions which GUSA may carry out but are not limited to”. That list begins with a £100 fine and ends with a lifetime ban from GUSA. (It is difficult to see what sanction in excess of a lifetime ban could be imposed.)

### 9.6. *Further observations*

9.6.1. Students who make reports to the unions relating to sexual misconduct on the part of a member may have an unrealistic expectation of what that union can do. In the first place, it is unreasonable to expect an investigation of the same level of rigour as a University conduct process. That leaves both the student making the report and the student who is the subject of that report vulnerable. A decision may be made on the basis of inadequate evidence.

9.6.2. The unions do not have the same level of resource or expertise as the University. In some cases, it will be individual sports clubs which have to deal with conduct matters and they are likely to be in an even weaker position in terms of resource.

9.6.3. The maximum sanction which can be applied by the GUU and the QMU is expulsion from membership of that union. That may be unsatisfactory from the perspective of the student making the report because that outcome will not preclude participation in other academic or social activities within the University. At the same time, for a person who spends much of his or her time involved in union activities, such a penalty may be very severe.

9.6.4. The existence of an option to report to the unions about student misconduct means that a person seeking to complain has a choice. In all of the union-related cases which have come to my attention, it would have been possible to report the matter to the University. The question, then, is why reporting students choose the union route rather than the University route.

9.6.5. In the first place, the union option may be seen as more accessible. A report may be made, very informally (at least in some circumstances), to a fellow student without any need to engage with members of University

staff. More generally, the process thereafter is probably understood to be less formal.

9.6.6. Of more serious concern is the possibility that students are worried that they cannot rely on the University's conduct processes or that they will take too long. I have heard this view expressed. I have been told of one case where a person wanted to report to the University and had attempted to do so but told GUSA that she had not received a response. Faced with a choice between what is seen as a quick and simple complaint to the union, as against a protracted process involving, among other things, the provision of witness statements and being interviewed by members of University staff, and, possibly, being asked questions at a hearing before a conduct committee, some students may believe that the union option is easier. The University procedure, I am told, is seen by some as too remote and too disconnected from student life.

9.6.7. Independent organisations have to be able to apply their own membership rules and maintain the integrity of their procedures. However, that does not mean that they have to have absolute control over all questions of conduct.

9.6.8. All of the unions have relationships with the University that go beyond conduct matters. There is a framework within which these matters can be discussed, as well as other relevant matters, such as maintaining physical security in premises. I understand that the officers within the unions have previously sought help from the University. Because of its relationship with the University Court, GUSA is in a special position. Students involved in the leadership of GUSA value the assistance provided by the Honorary President.

9.6.9. I understand that, in some respects, the University has been supportive of the unions, in particular in providing advice in relation to updating their disciplinary procedures. However, I am told that the University has not sought to engage actively in discussions about the handling of gender-based violence reports by the unions, preferring to leave decisions on these matters to them. That has led to a sense of frustration within the unions and to a feeling that they are left to deal with very challenging issues when they are insufficiently equipped or experienced.

9.6.10. One of the problems of having inadequate data is that it is difficult to demonstrate the seriousness of the problem. Those within the unions are struggling but the University may not see how heavy the burden is. It is also possible that there is a mismatch of expectations, with the University working on the basis that the unions are independent, or, in the case of GUSA, autonomous and that they wish to manage their own affairs, whereas the perspective of the unions is that they need help and would welcome more support from the University.

9.6.11. In any event, training office bearers who are in post for only one year has a limited value. More importantly, the overlap in responsibility

between the unions and the University, and the risks of confusion, need to be addressed.

- 9.6.12. Students wishing to report experiences of gender-based violence should have confidence in the process. It should be clear and accessible. If it is necessary to have alternative reporting options, then it should be made very plain, from the outset, what those options are.
- 9.6.13. A choice of reporting options may, on one view, be an advantage for the reporting student. The unions' disciplinary processes and the University's conduct processes do not operate in the same way and are not intended to achieve the same result. However, there is a risk that, rather than choice, there is confusion. There is also scope for duplication and repetition. There is nothing to prevent a person reporting an incident or behaviour to, for example, the QMU and then to report the same matter to the University. Should the QMU carry on with its procedure or await the outcome of the University's misconduct process? It is unsatisfactory for there to be tandem processes. Multiple reporting options also give the rise to the risk that data and information about sexual misconduct are inaccurate. For the University to respond properly to student sexual misconduct, it needs to have a well informed understanding of what is happening where.
- 9.6.14. A person may make a complaint about the conduct of a student to a union and then, after the matter has been determined and regardless of the result, make a report about the same conduct to the University. A repeat investigation and an additional misconduct process will have an impact on the reporting person, on the responding student and on any witnesses. There might be conflicting findings. A student might find himself or herself exonerated by the union and then find that, in relation to the same factual circumstances, the University holds misconduct to be established, or vice versa.
- 9.6.15. I have been made aware of a case in which serious problems arose following a report of sexual misconduct being made to a sports club about one of its members. The matter was escalated to GUSA and a determination was made and a sanction imposed, although the student in respect of whom the report had been made did not accept that the GUSA process was fair. The student had been given inadequate information about the allegation and an insufficient opportunity to respond. The matter was then reported to the University and the responding student challenged the fairness of the University's process. The process has been protracted and painful.
- 9.6.16. There is a problem and it is not a sufficient answer to say that, in the case of the QMU and the GUU, the unions are private organisations and have a responsibility to regulate the conduct of their own members and that the University cannot interfere. Nor is it a sufficient answer to introduce training and a means to facilitate the unions working out their processes for themselves. The University must give urgent attention to

the relationships with the unions and, working with them, seek to agree a process whereby complaints which relate to gender-based violence and which are serious should be referred to the University's non-academic conduct procedure at the earliest possible stage.

9.6.17. There has been a development in the period since I gathered information from the unions. I have been told that the University has recently brought in the services of an external consultant who has been asked to provide support and training to the unions. I understand that part of the purpose is to assist the office bearers in the unions to review and change their own internal processes.

9.6.18. Whilst training has its place, the problems that are now apparent in the unions attempting to handle increasing numbers of reports of sexual violence and sexual harassment, with all the attendant difficulties, cannot be solved with training alone.

9.6.19. If it is thought that providing external assistance to the unions in the form of training and support for their decision-making processes will allow them to handle complaints of sexual misconduct properly, then that is an answer to the wrong question. The prior question is whether the unions should be dealing with serious cases of sexual violence or sexual harassment at all. The short answer is that they should not. Where reports of this sort of conduct are made against a person who is a University student, the proper place for them to be considered is within the University's own conduct procedures. The discussion that needs to take place now concerns the mechanism by which the unions should refer reports of such cases to the University. I emphasise that the question is not whether reports of serious sexual violence or sexual harassment are referred to the University but how.

9.6.20. Such discussions will require to cover the following points:

- Should all reports relating to gender-based violence be referred to the University or only those which are serious in nature? If the latter, where is the seriousness line to be drawn? It is possible to envisage a system in which the unions retain responsibility for dealing with lower level complaints, including those with a gender-based violence element. However, for that to work effectively, there would have to be a means of identifying at the outset what the nature of the allegation is and that itself may require both time and sensitivity. The simplest course may be to agree that all cases in which an allegation is made relating to gender-based violence should be referred to the University.
- Should the unions themselves make a referral of a report of sexual violence or sexual harassment to the University? Should their role be instead to assist or encourage a person to make a report to the University and, if so, what steps should be taken in the event that a person makes the union aware of an incident or behaviour but declines to report that to the University? There should be a clear protocol. The

default should be that the union refers the report to the University, with the consent of the reporting individual. Where a person declines to consent to a matter being reported to the University but the union has a concern that a person may be at risk then information should be conveyed to the University, on an anonymous basis if necessary. In any event, even if there is no risk, there should be a clear record kept of all complaints so that it is possible to identify trends and to keep track of the scale of the problem.

- The University should make available to the unions clear information about the University non-academic conduct procedures and should be in a position to offer prompt and specific support to union officer bearers in individual cases so that a person who has a complaint but who is unsure about what to do receives accurate information straight away.
- Are there limits on what information can be shared between the unions and the University? Both the unions and the University will be aware of their obligations as data controllers and, obviously, must act within the law. Data protection responsibilities should not be seen as a reason not to cooperate.
- When a report is referred to the University, must the University notify the union of the outcome? The default answer should be yes, although that may be subject to confidentiality or data protection matters arising in individual cases.
- Should the unions be entitled to impose further sanctions in the event that the University finds misconduct to have been established? Where a complaint is upheld, and the University imposes a sanction short of expulsion, the union ought to be entitled to take steps, for example, to bar that student from its premises, provided that that is proportionate.

### 9.7. GUSA: specific questions

9.7.1. The GUSA Discipline Procedure already has a mechanism for referring more serious misconduct to University Senate. An updating exercise will be needed to ensure that the GUSA procedure reflects the new Code of Student Conduct.

9.7.2. Under GUSA's own procedure, it is already the case that matters categorised as demanding level 3 or level 4 sanctions should be referred to University Senate. Examples of level 3 matters include sexual harassment and examples of level 4 matters include both sexual harassment and physical assault. However, it appears to be envisaged that, in the first instance, all complaints, even those relating to level 3 and level 4, should be investigated and determined by the individual club committee: paragraph 3.1. If it cannot be resolved by the club, it is considered by the club and, if necessary, by a GUSA Disciplinary



Committee: paragraph 3.2. At each stage, if there is evidence of a breach of the University Code of Conduct, the decision-maker “will” refer the matter to the Senior Senate Assessor. It appears that that referral takes place *after* investigation and determination. It is conceivable that a matter might be investigated by a club and then, in the absence of resolution, investigated by the GUSA President, and then considered by a GUSA Disciplinary Committee. If there is then an appeal against the decision of the GUSA Disciplinary Committee, that appeal goes to the GUSA Council. If the GUSA Council considers that there is evidence of a breach of the University Code of Conduct, it will be referred to the Senior Senate Assessor. By that stage, there will have been two investigations and two determinations and that is before the University begins any investigation. Of course, it might be referred at club stage, once misconduct has been established, but it is possible that the entire process, including an appeal, will have been done before a referral is made.

9.7.3. I suggest that the University and GUSA work together to revise the GUSA Discipline Procedure to allow for a serious matter (i.e. one in the category of either level 3 or level 4) to be referred to the University as soon as it is identified that there is or may be a breach of the Code of Student Conduct. That need not be based on any extensive investigation. If a person brings a report to a sports club or to GUSA which includes an allegation of sexual harassment or sexual assault, then the proper course should be to refer that immediately to the University student conduct team.

*Recommendation (12). The University should discuss with GUSA, the GUU and the QMU revisal of their conduct procedures to ensure that there is a mechanism for the unions to refer reports of sexual misconduct to be considered within the University conduct procedures. Reports made to the unions of serious sexual misconduct must be referred to the University. The University and the unions, working with the SRC as necessary and appropriate, should seek to reach agreement on the process, having regard to the issues identified in paragraph 9.6.*

## 10. STAFF: CULTURE

### 10.1. *Introduction*

10.1.1. In considering the University's approaches to gender-based violence in the staff context, and in assessing what works well and what does not, it is necessary to look at grievance and disciplinary policies and procedures. These are largely, but not exclusively, HR matters. Before turning to those, however, there are prior questions relating to culture. What is the prevailing culture within the University concerning respect, equality, and trust and confidence in the University's systems? Is it the sort of environment where employees feel comfortable about raising concerns? What does it mean in practice for the University to have policies and procedures relating to dignity at work? Ultimately, these are questions about relationships and about how things are done.

10.1.2. There is a structured, written framework. It is important to be able to identify common values that work across the entirety of the University and there is a well-explained set of institutional values agreed by the Senior Management Group in March 2020. These are published on the University website.<sup>11</sup> The 'Integrity and Truth behaviours' incorporate upholding honesty and fairness, doing the right thing and taking responsibility.

10.1.3. I have referred elsewhere to the Dignity at Work and Study Policy. Although prepared and implemented well before the publication of values just mentioned, this policy is consistent with them. It gives greater detail and more specific guidance in relation to issues including harassment and discrimination.

10.1.4. The University employs almost 10,000 people. On any view, it is a large and complex organisation. Its structure has to accommodate teaching and research in a wide variety of academic disciplines, as well as numerous other activities.

10.1.5. Overall, there is a very stable, well-established staff body. Especially at senior levels, there appears to be a low turnover of staff. There were many people amongst those we met who have not only many years of experience but also a longstanding commitment to the University itself. At the more junior levels there is, not surprisingly, a more mobile workforce. Some more junior members of academic staff spoke about the precarious experience of working on short term contracts. There is more uncertainty and more fluidity at that level but still, for many people, there is a clear sense of belonging within the institution.

10.1.6. Amongst staff, and at a very general level, there is a view that the University takes complaints seriously and that there is an

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<sup>11</sup> <https://www.gla.ac.uk/myglasgow/staff/values/>

understanding of the importance of dealing with gender-based violence. There is also a strong sense of commitment to student welfare and the responsibilities that the University has towards students.

- 10.1.7. This positive view is, of course, subject to some qualifications. A very small number of people, mostly former employees, expressed strong criticism of the University. We heard expressed by some people a view that the University can be slow to react and that it can give the impression that there is a higher concern for reputation management than for welfare. It seems to me that the University properly has a concern both for welfare and for the protection of its reputation. A wish to protect the University's good name should never run counter to promoting welfare. Where problems do arise, a candid and transparent approach may in any event enhance an institution's reputation.
- 10.1.8. In an institution as large as the University there will inevitably be variations in the experience that people have of the working culture. In some Colleges and Schools there is a greater sense of there being a distinctive identity and culture. That may be attributable to the nature of the discipline or, in some cases, to particular leadership styles whether at present or in the past. Whilst there are, necessarily, core and common standards of behaviour and mechanisms for responding to issues that arise, how they are understood and applied is not uniform.
- 10.1.9. There are variations in experience and practice across different parts of the University. Some handle issues promptly and effectively and there is a general understanding that, were a harassment issue, for example, to arise, it would be dealt with in a sensitive, low-fuss way. Further, those in leadership positions demonstrate that, if necessary, they will respond decisively. As a result, in those areas, there is a high level of trust and the working environment and culture are comfortable, respectful and productive.
- 10.1.10. In other areas, the experience is different. There is a lower level of confidence that processes will be applied properly.
- 10.1.11. Culture goes beyond the extent of staff confidence in the treatment of complaints. We heard some reports from some members of staff, mostly but not exclusively female, of areas in which there is sexist behaviour that leads to dissatisfaction, resentment and experiences of discrimination. There are divisions in opinion, even within the same school or department.
- 10.1.12. In promoting a healthy working culture, good leadership is necessary but not sufficient. Where there is a positive working culture, there is a sense of shared endeavour within the school or department as well as a sense of being well-connected to the rest of the University. The closer the institutional links, the greater the level of trust. I am aware that the University is already working towards a greater degree of consistency in treatment of issues arising in the HR context.

10.1.13. I have paid particular attention to those parts of the University in which there have been complaints processes involving members of staff, specifically in the context of sexual assault or sexual harassment or related misconduct, whether those have involved staff disciplinary procedures, or complaints made by members of staff against students. Of those members of staff who made contributions to this review, many had had experience, whether directly or indirectly, of the working environment and culture during and in the aftermath of these procedures.

## 10.2. *The wider impact of gender-based violence amongst members of staff*

10.2.1. The purpose of this review is not to audit decision-making in past or current individual cases. However, I am aware of the circumstances of a number of cases in the recent past and of the impact that they have had, not just on those immediately involved but on colleagues and friends and on the effective functioning of workplaces.

10.2.2. In the first place, it has to be acknowledged that where a member of staff behaves in a way that is abusive, whether towards students or other members of staff, that in itself will have an impact not just on the person who suffers the abuse but also on other people more widely. That may arise in a number of ways. Others may witness what is happening but be unsure about what to do. For some, the abusive behaviour may be so inconsistent with the behaviour of the person they normally see that they find it hard to accept that it is real.

10.2.3. Where the person responsible for sexual harassment, for example, is a senior member of staff and where that person's behaviour is visible to others, that can contribute to an environment in which reporting is much more difficult and which is confusing for junior members of staff, some of whom may feel emboldened to behave in a similar way.

10.2.4. Beyond the impact of the behaviour itself, where gender-based violence is reported and where disciplinary proceedings ensue, the impact can be unsettling and divisive for the wider staff body. This will be affected by the extent to which information is available. I consider below issues arising in relation to confidentiality and the effect on staff generally.

## 10.3. *Confidentiality*

10.3.1. First, there is inevitably a tension between the need to respect the confidentiality of the process, especially having in mind the interests of the person subject to any complaint, and the need to assure colleagues and the wider staff body that issues are being taken seriously. This is especially acute in cases involving sexual misconduct, where

knowledge of an allegation can lead to great concern, whether for safety or for the welfare of affected individuals. The University's grievance and disciplinary procedures quite properly emphasise the need for information to be treated confidentially and that accords with good HR practice. However, where a member of staff is suspended or where arrangements are made to move a person, for example, substituting one PhD supervisor for another, that is likely to give rise to speculation and concern. Whilst a staff member who raises a grievance against a colleague can be expected to observe confidentiality, that is not necessarily the case where a person making a complaint is not a member of staff.

10.3.2. Where information about allegations or misconduct procedures is disclosed, that can result in more people coming forward to report issues in relation to the same individual. For some, the knowledge that someone else has complained may have a reassuring, "it's not just me" effect which might lead to further complaints being made. That in itself is positive. Generally speaking, unwillingness to report gender-based violence issues is a problem; a visible University response may result in legitimate complaints being brought forward by people who, on their own, might have lacked confidence. However, where information is distributed informally or is partial or inaccurate the consequences can be very damaging.

10.3.3. I have not heard or read anything that suggests that there are particular problems in maintaining confidentiality in staff processes in the University. As would be expected, there is a general awareness that confidentiality is important. Alongside that, though, where confidentiality is respected a consequence can be that there is an information vacuum. Staff members not directly affected may understand that there is an investigation underway but have no further information. Those not involved do not have a right to information. Where there is a generally good level of trust in the University as an employer, which is the case in most parts of the organisation, that is also understood and, as a result, few problems arise.

10.3.4. There are separate issues of confidentiality which arise at the end of a process. Where disciplinary action has been taken and a member of staff is subject to a sanction, and in particular where conditions are imposed which affect the way in which that person does his or her job, the person who made the complaint and, possibly, other colleagues affected will need to know. Those colleagues may be asked to observe confidentiality, although that is not necessarily imposed. I have been told of circumstances where there have been mixed messages or a lack of clarity about how information is to be treated by colleagues after processes are finished. For understandable reasons, those managing the HR processes will wish to make sure that the dissemination of personal information relating to a member of staff subject to disciplinary sanctions is kept to a minimum. At the same time also for understandable reasons, that person's line managers will want to

be able to manage any safeguarding risks. Perhaps most acutely, the individual member of staff who has raised a complaint will want to understand what has happened and why. As it has been explained to me, a result of emphasising confidentiality is that members of staff who have suffered harassment are prevented from sharing their own stories.

10.3.5. It is not possible to address questions of confidentiality in isolation. They have to be considered alongside other questions that flow from disciplinary matters.

#### 10.4. *Division*

10.4.1. One of the common themes in the cases at the difficult end of the spectrum is that they result in divisions in the staff team. This is especially the case where proceedings are protracted and involve a large number of members of staff. Where allegations are made either by or about a colleague who is regarded by some as a friend it is highly likely that there will be differences of view based on personal experience and on a wish to support that individual. Where a lot of information is disclosed, especially informally, the result can be that people who would otherwise not be involved are drawn into discussion and speculation. A person directly involved may feel vulnerable and may hope and expect to receive support from colleagues and, where support is forthcoming for one side or another, divisions are likely to arise and, as time passes, to become entrenched. I am aware, because it has been spelled out to me, that these sorts of divisions have corrosive effects on morale and wellbeing as well as institutional cohesion and efficiency. Where they are not addressed, they can lead to longer term damage to relationships and to levels of trust.

10.4.2. Sometimes specific grievances arise against a background of experiences of unequal treatment going back over a long period, or where people have not felt able to speak up. The result can be a complex combination of both dissatisfaction with institutional culture and with an individual's behaviour. The reactions to such a situation will vary. Some will attribute bad behaviour to a poor working culture which enables, for example, discrimination to go unchallenged. Those people may also attribute the poor working culture to unaddressed bad behaviour. The two are likely to go together. Meanwhile, others may take a very different view of either the behaviour of the individual or the culture or both. Where there are bodies of staff within which one group sees behaviour as undermining and discriminatory, whilst another group does not recognise that characterisation at all, that is itself indicative of discord and suggests a need to look seriously at workplace culture and working relationships.

10.4.3. Where I have seen and heard about divisions between groups of staff, a common theme seems to be that they have either come about because of or have been exacerbated by the emergence of complaints

about sexual misconduct, or by the way in which complaints or grievances have been handled. I have no doubt that there will be compounding factors and also that in other areas there may be other causes, but my focus has been on gender-based violence (and, in the staff grievance and disciplinary context, specifically on sexual misconduct). Against that background I can identify a pattern whereby a complaint which emerges within working relationships in which there is little or no trust, or where a complaint is not well-handled, and especially where both of those things are true, produces discord and division. I would wish to emphasise that whilst I am aware of some parts of the University where there are such divisions, this is not typical of the culture of the University as a whole. On the contrary, taking a University-wide view, I have heard nothing to suggest that this is a fundamental problem and, moreover, I believe that there is a clear picture of a commitment to cooperation and the common good. The areas that I have seen where there are divisions are relatively self-contained. In those areas work is certainly needed to improve working relationships and working culture. I would also want to stress that in each of the cases of which I am aware I understand that the University (encompassing those in relevant leadership positions and including those in HR) is alert to the issues and that work is either underway or planned to address them.

10.4.4. I am not in a position to recommend what exactly should be done to improve the working culture in circumstances such as those mentioned. These are multifaceted issues. Confident, open-minded and empathetic leadership is essential but not sufficient. Work that emphasises bringing people together is also important and external facilitation will often be positive. There is a role for training, though I would caution against attempting to solve problems with training alone. I consider questions relating to training in chapter 15. In this context, training has a part to play, but only at a later stage. If confidence needs to be restored and relationships rebuilt, training is not the means to achieve that.

10.4.5. I have been made aware of steps that have been taken very recently in circumstances where there have been long running experiences of unequal treatment and strong senses of division and resentment. Moreover, they have followed complaints and appeals and disciplinary procedures. Those steps have involved careful work done by the College, the School and the Equality and Diversity team in cooperation and the preparation of an action plan. The work of putting the action plan into practice will take further work and commitment but I find it very encouraging to see in a part of the University which has experienced problems a strong willingness to engage with an improvement plan.

10.4.6. The question of restoring confidence and rebuilding relationships, especially in the context of the aftermath of disciplinary procedures dealing with gender-based violence, leads to my further observation.

## 10.5. *Aftercare*

- 10.5.1. Even when handled in the best possible way, disciplinary procedures are often damaging and exhausting. Disciplinary procedures are only needed when something has gone wrong, whether or not the complaint is well-founded. Those involved, and often especially the person making the complaint, may already have experienced harm. If procedures are not handled well, for example if they are protracted or confusing, then as well as compounding existing harm they can be damaging in themselves. Where a person raises a grievance about the behaviour of a colleague and disciplinary proceedings ensue and there is a finding of misconduct, the person may feel vindicated but any sense of success or satisfaction will very likely be qualified.
- 10.5.2. I have heard a number of accounts from people who have been through such processes or who have had responsibility for managing staff afterwards. The end of the process rarely brings an end to ill-feeling or pain. There will almost inevitably be a requirement for aftercare. The University is generally aware of that need and I know that, in some cases, great efforts have been made to promote a healthy working culture in the aftermath of discord. However, there are also some areas where that has not worked so well.
- 10.5.3. Where a member of staff has left, whether having been dismissed following a finding of gross misconduct or having resigned, there may still be divisions founded on memories of who supported whom. However, a departure may also represent an opportunity for a new start. That will work best where it takes account of the past experiences and of the effects of the process itself. If the person initiating the process only made the report after a long time of experiencing (for example) sexual harassment, it will be important to understand what prevented that person from coming forward at an earlier stage. New starts are about looking ahead, but they will only be secure when staff can be confident that underlying and cultural issues are acknowledged and addressed, especially those which are to do with reporting. External assistance, whether from HR professionals with no prior involvement or from outside the University, is likely to be helpful. Committing time and thought to the exercise of rebuilding will be a good investment.
- 10.5.4. Situations in which a member of staff remains in post after a finding of misconduct can be even more challenging. In the first place, colleagues who have reported that misconduct may continue to feel vulnerable. It may be appropriate to make practical adjustments to office use in order to minimise contact for a number of months following a finding of misconduct in a sexual harassment case. On one level, that can be effective, but there is scope for confusion and uncertainty where only a few people are aware of the arrangements or the reasons for the



change. Moreover, it can mean that the person who has experienced harassment is the one who has to make changes and that feels unfair.

10.5.5. I have received representations about the inappropriateness of expecting survivors of gender-based violence to be involved in mediation. I agree that mediation should not be seen as an alternative to a formal misconduct procedure where such an allegation is made. However, after a finding of misconduct and where all members of staff remain in post, there will almost certainly be a need to restore functioning working relationships and it is unrealistic and unreasonable to expect the people directly involved to work that out for themselves. Some intervention is likely to be needed, at a minimum by line managers who are fully aware of the whole background and who are prepared to listen to and act on reasonable requests for adjustments to be made. There may well be room for mediation, at least in order to agree what future contact and communication will look like. That must be done in a manner which does not leave anyone feeling exposed or under pressure.

10.5.6. Beyond that, there ought also to be scope for working towards rehabilitation. Some of the most interesting and challenging discussions I had were with members of staff with responsibility and experience in managing situations in the aftermath of distressing misconduct procedures. There is within the University a real willingness to consider what rehabilitation means, coupled with an anxiety about the difficulty of doing that in an environment where zero tolerance is emphasised. There is a concern that in cases of sexual misconduct the resulting fractures can never be repaired. There is a range of views on this subject. One view is that it must be the choice of the survivor and that she should not be pressured or expected to accommodate a perpetrator remaining in post. Another view is that it is essential for the good of the body of staff as a whole that working relationships are properly restored and that that extends to full inclusion of the person responsible for sexual misconduct. Alternatively, there is a recognition that a person who has been subject to a sanction is entitled to be given a fresh start and the opportunity to demonstrate a change in behaviour.

10.5.7. The University's disciplinary regime includes a gradation of sanctions. Not all cases of sexual misconduct will result in dismissal. In my view, it is essential that there is serious commitment to rehabilitation. A zero tolerance policy means that the University must act whenever cases of gender-based violence come to its attention; such cases cannot be ignored. It does not mean that, having taken action, the University must then disregard the interests of a person against whom a finding has been made. A zero tolerance policy does not mean that such a person has zero worth. At a superficial level and in the short term, it may be easier to keep people at a distance and to maintain the identities of survivors and perpetrators. In the long term, that approach will be unsustainable and ultimately harmful. A mature, healthy, inclusive working culture depends on there being a willingness to engage with the very difficult work involved in overcoming the harm caused in such cases

and in bringing people back together. I was encouraged to find that that willingness exists, although it was expressed cautiously and with a concern that it might not be popular.

10.5.8. Similar issues arise where there have been proceedings but no finding of misconduct has been made. In such cases, there will still be damaged relationships and line managers may have to contend with the views of a person who is aggrieved by a sense of having been falsely accused, and who may have been suspended, as well as those of someone with a sense of not having been believed. There is an added difficulty because of the need to respect the confidentiality of the process, which may be especially acute in respect of the person who has been found not to have committed misconduct.

10.5.9. In summary, good quality aftercare means, in the first place, immediate and sensitive support for the person who has reported an allegation of sexual misconduct, and, further, for the person who has been the subject of proceedings. It may well entail either continuing or putting in place practical measures recognising the need to avoid unnecessary contact. Any such arrangements should be made working with the people involved and understanding their priorities and preferences rather than imposing solutions. Thereafter, aftercare will mean the difficult work of engaging with other members of staff in the team as well as with those immediately involved with a view to restoring a healthy and productive working environment. How that is best achieved will depend on the circumstances and may well require external assistance.

## 10.6. *Welfare and wellbeing*

10.6.1. Whatever measures are put in place to assist and protect members of staff who are involved in disciplinary processes, and whatever training is provided, these will work best when founded in care and respect for staff welfare. Similarly, in providing support for colleagues who have experienced or are experiencing gender-based violence, welfare must be at the core. Putting a stop to misconduct, and doing so by applying a fair process, are essential and are themselves consistent with promoting welfare. It appears to me that a concern for welfare and wellbeing informs the University's approaches, even if in application that is not always felt by those experiencing harm.

10.6.2. In promoting welfare, there is a limit to what regulation and procedures can do. They offer a framework but much depends on humanity and common sense. I have been struck by listening to an encouraging number of members of staff who unhesitatingly see it as part of their role to support colleagues in distress and to be available as a source of confidential advice, and who are prepared to do so even though it is no part of their job description and at some cost to their own time. A thriving working environment relies on there being such people.

It is in the nature of such activity that they will not be prominent, but they should be cherished.

10.6.3. There is also an important place for more formal measures to advance wellbeing. A small number of staff gave accounts of disrespect and cynicism shown by academic members of staff towards those in professional services roles, and in particular those in HR with responsibility for promoting central University policies, for example in relation to wellbeing. HR professionals may not expect to be loved and admired by everyone, but they have a valuable contribution to make.

## 10.7. *Unions*

10.7.1. We spoke with a number of representatives of trade unions, predominantly the University and College Union but also Unite and the GMB. We spoke both with those holding formal office and, more extensively, with those with experience of representing individuals who were involved in disciplinary procedures.

10.7.2. I have referred already to certain representations made about bullying. Those were not specific to gender-based violence. Subject to that qualification, those who spoke to me from a union perspective were generally quite positive about the position of the University in relation to disciplinary processes, acknowledging that the University is good at consulting the unions when revising policies and recognising that implementing disciplinary policies in cases involving gender-based violence is challenging. Understandably, those speaking on behalf of unions distinguished between other areas in which they are from time to time in dispute with University management and those areas which are within the scope of this review. In relation to the latter, on the basis of a number of conversations, I formed the view that there is a straightforward, mature, mutually respectful relationship.

10.7.3. I also heard from people who were union members and who had been assisted by UCU representatives in various ways, including when involved in HR-related proceedings. Their experience was, on the whole, very positive.

10.7.4. Separately, several UCU representatives spoke to me about their experiences of dealing with particularly difficult cases. Their insight was valuable, especially in the context of very complex cases involving complaints made either by or about students.

## 10.8. *The College of Medical, Veterinary and Life Sciences*

10.8.1. In considering working culture I have sought to draw out themes of general relevance. I have also thought carefully about whether to refer specifically to those Schools particularly affected. Taking account of all

of the representations made, and allowing for the fact that this is not a complete survey of the institution, it was clear that in a few parts of the University there are disproportionately high levels of concern. I do not wish to exaggerate the position; most staff are unaffected.

10.8.2. In the course of this work a number of people from within the College of Medical, Veterinary and Life Sciences, and specifically the School of Medicine, Dentistry and Nursing, contacted us to share their experiences. I heard a lot of information from different people about the working culture, various specific grievance procedures and about the experiences of some women, both members of staff and students. Several people spoke to me about bullying and discrimination. Much of the information provided went some way beyond the scope of my investigation and review. However, a willingness to report sexual harassment, for example, will depend on there being trust and confidence in management and, according to some of those who spoke to me, the level of trust is currently low. In the period in which I was bringing my work to a close, there has been a degree of publicity relating to claims that the working environment is misogynistic and about procedures concerning an individual member of staff. There are divided views on the nature of the working culture within the School but the important point is that there is a clear undertaking on the part of the University of the need to review and to make improvements. I am aware that the University is putting in place an action plan, which will involve an external consultancy team, and that there is a commitment to engage staff and students in this work.

10.8.3. Given that there is already an awareness on the part of the University of the need to address these issues, and given the sense of commitment to that work at a very senior level, it is unnecessary for me to say more in this report about what has led to this point. Looking ahead, and in the context of the work about to be done, I would encourage all involved to keep in mind the need to have accessible and reliable reporting systems to allow swift action to be taken in response to complaints of sexual harassment and sexual assault. Those systems exist within the University and should be properly integrated and made visible within the Medical School.

10.8.4. I have recorded my awareness of the circumstances within the Medical School and the steps being taken to address issues arising. There are other Schools which have encountered problems, particularly those in which one or more members of staff have been party to long and difficult misconduct procedures, which have in turn led to division and unhappiness amongst other staff members. Where necessary, the University has put in place measures, including by using external facilitation, to attempt to restore good relationships. Where issues in individual Schools have been brought to my attention, I am satisfied that the University, at an appropriately senior level, is already aware of those issues. As noted above, nothing has come to my attention that suggests

that there are serious problems of which the University is either unaware or about which it is doing nothing.

## 11. STAFF – POLICIES AND PROCEDURES

### 11.1. *Introduction*

11.1.1. There is, of course, a close connection between questions of the working environment and culture and those of policies and procedures. Where there are clear and accessible policies and where it is demonstrated that they are applied consistently and fairly, there is likely to be a level of trust and confidence in the University's ability to deal with bad behaviour and to act in the interests of those who experience gender-based violence.

11.1.2. I have referred already to the Dignity at Work and Study Policy and to the University's Code of Practice on Unacceptable Behaviour. These apply to both students and staff. I have, in addition, considered the University's Grievance Policy and Procedure and the Disciplinary Procedure, along with the associated guidance on suspension and the guidance for managers. Taken together, and insofar as they regulate straightforward complaints by one member of staff against another, these provide a complete and coherent structure within which conduct matters and concerns at all levels can be addressed. I have not received any substantial representations to the effect that the University's disciplinary or grievance procedures are defective. I understand that they are kept under regular review and that those exercises are done in consultation with the trade unions. Difficulties can arise in more complex cases, especially where there are allegations and counter-allegations, in particular where these involve students.

11.1.3. I have been provided with information about staff disciplinary cases over the past five years which have involved complaints of gender-based violence, almost all sexual harassment. The numbers are low. There were 16 cases in total, and in half of those the complaint was upheld.

### 11.2. *Policies and procedures: specific reference to gender-based violence?*

11.2.1. The University's grievance and disciplinary procedures do not make express reference to gender-based violence. They encompass conduct of all kinds. In terms of paragraph 2.5.4 of the Disciplinary Policy, gross misconduct will usually result in summary dismissal without notice or payment in lieu of notice. The appendix to the Disciplinary Policy contains a guide with a non-exhaustive list of matters which would normally be regarded as gross misconduct. That list includes:

(b) Physical violence (actual or threatened);

(d) Unlawful discrimination, harassment, bullying or intimidation against employees, contractors, students or members of the public on the

grounds of sex, sexual orientation, marital or civil partner status, pregnancy and maternity, gender reassignment, race, disability, religion or belief, or age which contravenes the University's Equality Policy or Dignity at Work and Study Policy;

(e) Deliberately accessing internet sites containing pornographic, offensive or obscene material;

(o) Conviction for a criminal offence that in the University's opinion may affect the University's reputation or its relationships with staff, students or the public, or otherwise affects the employee's suitability to continue to work for the University.

11.2.2. The University's Dignity at Work and Study Policy defines harassment in a way that includes but is not limited to sexual harassment. It cross-refers to the Code of Practice on Unacceptable Behaviour, although, as noted in chapter 7, there are inconsistencies between the two in the explanation of the sorts of behaviour which are included.

11.2.3. My attention has been drawn to a possible risk of conflation between the Dignity at Work and Study Policy and the University's response to gender-based violence. It is clear to me that both the Dignity at Work and Study Policy and the Code of Practice on Unacceptable Behaviour cover issues that are wider than gender-based violence. Whilst both refer to harassment, I understand that they are intended to apply to a broad range of unacceptable behaviour. It seems to me that that is a clear and reasonable approach. Introducing a separate or parallel code covering gender-based violence exclusively would risk causing confusion.

11.2.4. It has also been suggested that the University's codes and procedures, and information more generally, are primarily focused on sexual assault and sexual harassment and that there is limited information on other forms of gender-based violence. The Dignity at Work and Study Policy does refer to "demeaning, abusive, indecent or offensive language or comments" as well as stalking and coercion.

11.2.5. More generally, in some respects, there is some room for improvement in the clarity of information on the University website. Some links connect to out of date versions of documents. It is commendable that the University publishes as much information as it does but the volume means that it can be hard to find what is needed. There is a wide range of information across different parts of the University website relating to gender-based violence. I am aware that work is being done to keep these pages up to date and that, as part of that process, attention is being given to ensuring that there are clear explanations about what is covered.

11.2.6. The University provides on its “Safety, Health and Wellbeing” pages a specific link to “Sexual violence and harassment”.<sup>12</sup> It is important, in my view, that there is available to people who may be dealing with an immediate crisis clear, straightforward information about what to do in such a case. There may be a risk of over-complicating the message if, alongside that information, there are references to the full range of issues coming within gender-based violence.

11.2.7. In short, in explaining the issues, both to staff and students, the University needs to do both things. Information on the website should set out that there are various forms of behaviour which will not be accepted. Those who experience, for example, online abuse, should not be left having to guess whether that comes within the definition of harassment or, indeed, whether it is something that the University will consider at all in the context of disciplinary matters. At the same time, in giving useful advice about what to do if sexually assaulted or subject to sexual harassment, the information provided by the University should be direct, specific and uncluttered.

### 11.3. *Informal resolution of issues*

11.3.1. As with the procedures that apply to students, there is scope within the Dignity at Work and Study Policy, as it applies to staff, and the Grievance Policy and Disciplinary Procedure for informal resolution of differences. The relevant provisions are found in paragraph 7 of the Grievance Procedure and paragraphs 1.4 and 22 of the Disciplinary Procedure.

11.3.2. I am aware of the concern that some members of staff have that informal resolution is not appropriate in the context of complaints related to gender-based violence. As with student procedures, I emphasise that there should never be any question of a person who has experienced gender-based violence having to take responsibility for solving the problem. Again, I would wish to make clear that it is highly unlikely that there will ever be circumstances in which such an issue can be resolved by mediation. If one person subjects another to sexual harassment, or any other form of abuse, that is not something that can be negotiated away. It must be dealt with.

11.3.3. It should be recognised, though, that in some cases an informal resolution may be possible. Almost always, a person raising an issue will benefit from support, but that may still open the way to dealing with the problem informally. In some cases – perhaps very few – there may be an opportunity at a very early stage to put a stop to harassment without invoking a formal procedure. I was encouraged by listening to several senior female academic members of staff who spoke with confidence borne of long experience of the ability to take a person aside, to explain

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<sup>12</sup> <https://www.gla.ac.uk/myglasgow/students/safetyhealth/sexualviolence/>



that his or her behaviour is unacceptable, that it must stop immediately and that if it does not then formal consequences will follow. That approach, though informal, is quite consistent with a zero tolerance approach. In some cases, that will be a sufficient and proportionate response. For example, an employee who thinks it amusing to use sexual innuendo when emailing colleagues, or who swears excessively, might only need to be told once to desist.

11.3.4. Several people spoke to us of their experiences of reporting relatively minor sexual harassment. These people were relatively junior members of staff, including some who were postgraduate students. Typically, they raised the issue with a trusted and more senior colleague, whose response was to deal with the matter immediately, informally and effectively. That can have a good outcome, and those who spoke to us appreciated the very positive steps taken.

11.3.5. There are risks, though, with this sort of informal treatment. It may be that several people raise issues informally but, unless these are all raised with the same person, or there is robust record keeping with appropriate cross-referencing, it is possible that misconduct can be repeated undetected.

11.3.6. I am aware of some cases in which the immediate response to a complaint of harassment was to move the member of staff in question. That might be effective for and welcomed by the person making the complaint but, again, it carries the risk that a problem is shifted rather than addressed.

11.3.7. There may be thought to be a tension between an informal process and maintaining records relating to the behaviour of members of staff. In my view, in cases of sexual harassment or other forms of gender-based violence, even when the behaviour is of a minor kind, it is essential that in all cases a proper record is kept of any interventions made, even at an informal level, for an appropriate period and balancing fairness to the employee. It is also essential that there is a mechanism for checking repeat behaviour.

#### 11.4. *Online reporting*

11.4.1. I am aware that one of the intended uses of the online reporting tool is as a means for recording incidences of harassment, and that staff members encountering such issues reported by students are encouraged to record that information using that tool. Whilst the online reporting tool is also available for use by members of staff, I am not convinced that that should be the default recording mechanism for issues relating to staff behaviour. Maintaining appropriate records for members of staff is properly a function for HR professionals. Those who work in HR are already skilled in maintenance of confidential records and, alongside

senior colleagues who are made aware of issues directly, are best placed to identify repetition where it occurs.

11.4.2. In practice, use by members of staff (other than in reporting matters relating to students) has been extremely limited. Whilst there are advantages in having different options available for members of staff to report experiences of gender-based violence, it is not obvious to me that the online reporting tool is the best way for that to happen. If a report is made using that platform, the person receiving the report is likely either to provide information about grievance procedures or to refer the member of staff to a Respect Adviser. It adds a step in the process which, for members of staff, ought not to be necessary. Whereas the student population is relatively large and fluid and for them an online reporting mechanism may be the only obvious means of communicating, members of staff should be working within a framework where they know to whom they can report issues, and how, and where they can find support. Separately, there is a question about linking up information which has been reported online with records kept by the University HR department. There may be a risk of duplicating information.

#### 11.5. *Support for staff*

11.5.1. I heard relatively little about the effectiveness of the measures that are in place to provide support for members of staff in the context of gender-based violence. Some of the support arrangements extend to staff as well as to students. The University security team, for example, has a role in supporting members of staff in various ways, and would be well placed to respond to the immediate needs of a staff member.

11.5.2. The network of respect advisers is open to members of staff and, importantly, there is a well-resourced and experienced HR team. The University also makes available an Employee Assistance Programme (PAM Assist) which includes a confidential counselling service.

11.5.3. More informally, the quality of support that members of staff experience in difficult situations will often depend on the relationships that they have with line managers and other immediate colleagues.

#### 11.6. *Accessibility of information, clarity of procedures and a need for a designated person in relation to gender-based violence?*

11.6.1. A concern was raised with me that the information that is provided to staff on the website is insufficiently specific and does not identify who, within any particular School, is responsible for the complaints procedure. The University website contains a great deal of information and, in most respects, it is reasonably well connected and allows the user to trace an answer to almost any relevant question. The

volume of available information is such that that exercise can take a little while. The FAQs in the Dignity at Work and Study Policy part of the website are helpful. Overall, the way in which explanations are given about bullying and harassment and about what can be expected when a report is made are well expressed and clear. The advice that is given on the website to staff who are supporting students is also thorough and accessible. There is room for improvement in some respects. In some places, links to formal documents (such as the Code of Student Conduct) connect to out of date versions and, working between some website pages, the user can be taken backwards and forwards in an unilluminating way. I suspect that some of the issues with online information arise as a result of the sheer volume of material.

11.6.2. Whilst I recognise that there may be a benefit in identifying a single individual per School who takes overall responsibility for complaints, I am not convinced that it is possible to simplify the reporting options in order to direct everyone to that individual. Some members of staff will feel comfortable making a report to a line manager. Others may speak to a Respect Adviser or a First Responder at the outset whilst there will be those who prefer the online option, or who may wish, for particular reasons, to go straight to a member of HR staff. The first important thing is to ensure that all members of staff know what the options are. The second is to ensure that each route works effectively and quickly.

11.6.3. Further, there is a need to ensure that a proper overview is taken of past and pending cases. I agree that it is very important that information is recorded and checked to ensure that patterns are identified and, where there is any concern that there is repetition of behaviour, that action can be taken quickly. Indeed, as already identified, this is one of the risks associated with informal resolution of complaints. This is a responsibility for HR, both in risk management and in identifying trends. I understand that already happens. So far as cases involving only members of staff are concerned (as opposed to those crossing over into student conduct), I have not been made aware of any material problems in coordinating information, provided that it is properly communicated to HR.

## 11.7. *External complaints*

11.7.1. I am aware of a very few cases in which complaints have been made by members of the public about the conduct of members of University staff. Where these have arisen in the context of a broader set of complaints and counter-complaints, they are considered in the next chapter. In relation to more straightforward cases, I have insufficient information to allow me to draw meaningful conclusions. I understand that the University takes the approach that where an external person brings a complaint about the conduct of a member of University staff, and where there is reason to believe that it is relevant to that person's role,

the University will investigate and, where appropriate, take disciplinary action. I am aware of one case in which, in response to information provided by a member of the public in relation to a gender-based violence concern, the University took swift and appropriate action on a risk assessment basis.

11.8. *Contributions made by members of staff to University processes*

11.8.1. In listening to a wide range of contributions, it has become evident that the operation of the University systems relating to both staff and student conduct relies heavily on members of staff who serve in important roles, including as first responders, investigators, Senate Assessors or conveners and members of conduct committees. These are responsibilities that they take on alongside their existing professional and academic commitments. Very often, these responsibilities are demanding and extremely time consuming. They may involve reading extensive papers and carrying out preparation for numerous meetings. In the context of gender-based violence, the subject matter can be difficult and distressing. In most cases, there will be a need to discuss issues very sensitively with people affected.

11.8.2. Those who take on these roles do so willingly and with a sense of commitment, motivated by a wish to contribute to the good of the University as a whole. I do not understand there to be a central record of time devoted to these tasks but I have no doubt that the annual number of days dedicated to this sort of service would be enormous. It seems to me that the willingness to take on this work is generally indicative of a positive working culture, but I would also urge the University not to take that willingness for granted.

11.8.3. As well as those who take on the sorts of roles described, there are also members of staff who act as union representatives, predominantly for UCU, at least in the areas in which I have been interested. Those who have spoken to me of the experience of having UCU representation have referred to the benefits and the support provided. Again, for the UCU representatives themselves, the work is demanding and can be quite draining.

11.8.4. In addition, as already noted, there are numerous members of staff who provide support to colleagues on an informal and confidential basis and, further, there are those who support students, perhaps as advisers of studies or as first responders, but in some cases simply as a lecturer, for example, who happens to be present, friendly and approachable.

11.8.5. I am not suggesting that there is any pressing need to change these arrangements. There are positive advantages to being able to draw on a very wide range of skills and experiences. I have referred elsewhere to the potential benefits in appointing full-time investigators,

rather than continuing to ask members of staff to carry out these responsibilities. If, in the future, there is an increase in the number of student conduct cases, an alternative model may be inevitable. In the meantime, the present system works, though the University should be alert to the following issues.

11.8.6. Role-specific training is very important, as is the provision of relevant guidance. I consider training in more detail in chapter 15.

11.8.7. Members of staff who serve on conduct committees need consistent and good quality administrative support.

11.8.8. Some members of staff develop significant expertise in carrying out some of these functions. For example, acting as an investigator demands skill, intelligence and sensitivity, and these are usually developed 'on the job'. As a result, a few people develop a reputation for producing excellent investigation reports and are regarded as safe pairs of hands. As a consequence, they are then called on, repeatedly, to take on the most demanding and time-consuming cases. It is important to ensure that work is reasonably evenly distributed amongst people who are, essentially, volunteers.

*Recommendation (13). The University should keep under review the extent of the use of the online reporting tool by members of staff. Where the University receives information about gender-based violence affecting members of staff from whatever source, care should be taken to record that information appropriately.*

## 12. POLICIES AND PROCEDURES RELATING TO STAFF AND STUDENTS: CONDUCT AND COMPLAINTS

### 12.1. *Introduction*

- 12.1.1. Some of the most difficult cases which came to my attention concerned complaints made by students against members of staff and complaints made by members of staff about student conduct. In principle, the procedures in each area are sufficiently robust and flexible to accommodate these sources of complaint. A student who makes a complaint about a member of staff will, generally, be supported through that process by the Complaints team. A member of staff who complains about a student's conduct will be treated as a reporting individual. For the reasons already discussed, the formal support available for such reporting individuals is very limited. In principle, though, a member of staff reporting student misconduct has a clear route for that to happen.
- 12.1.2. Some postgraduate students are also employees of the University, typically PhD students who take on part time roles as graduate teaching assistants. In terms of process, and as a matter of principle, that dual identity should make no difference. In the event that a complaint is made against such a person in circumstances where it is unclear whether he or she is in student mode or employee mode, it will be necessary to decide which is the best fit and that will depend on the nature and location of the conduct in question. Further, there should be no question of such a person having to undergo two separate disciplinary processes.
- 12.1.3. In two cases of which I am aware, there have been complaints going in both directions and the difficulties have been compounded by additional complaints made by people external to the University. I have considered, with care, extensive documentary and other information relating to these cases. These are also cases which have been the subject of publicity in the form of podcasts broadcast by Al Jazeera, both of which were critical of the University. Separately, I am aware that there has been publicity in the recent past in a BBC documentary relating to another case within the University.
- 12.1.4. Again, I am mindful of the importance of respecting confidentiality and, further, this report is not intended to reopen past decisions. These cases are helpful in that they allow some general themes to be identified which can point towards improvements which might be made. Before turning to those general themes, there are two points to make in respect of these specific cases.
- 12.1.5. The first is that, in my opinion, the Al Jazeera podcasts provide only a partial, and partisan, view of each case and put forward contentions in a way which fails properly to reflect the complexities of the evidence and of the procedures followed. They appear to have been

prepared on the basis of incomplete information. In my view, they should not be seen as establishing failures by the University. The podcasts do identify some issues and I am aware that, when they were broadcast, they caused some concern. The issues arising from these cases require to be dealt with in a measured and balanced way.

12.1.6. The second point is that there is a ready acceptance within the University that these specific cases have given rise to real questions about procedure and fairness and the treatment of parties involved. No-one has claimed that these processes worked well in every respect or that they can be taken as a model for the handling of future cases which involve students and staff. At the same time, I urge caution in trying to draw too much from the specific circumstances of these cases. Much turned on matters that were specific to the individuals involved and detailed changes to procedure fashioned to address such issues might well not work in a future complex case with different elements. Nevertheless, it appears to me that the following matters are relevant. These matters are drawn from the specific cases mentioned and from other current and past cases in respect of which I have been given information. The examples used should not be taken to correspond to the exact circumstances of any actual case.

## 12.2. *Initiating a complaint*

12.2.1. For a student seeking to complain about the conduct of a member of staff, the process is reasonably well explained on the University website on the complaints handling page.

12.2.2. For a member of staff seeking to complain about the conduct of a student, there is a process, but it is slightly less clear. The information on the University website points the member of staff to the Dignity at Work and Study Policy and to the option of online reporting. Online reporting on its own will not initiate a conduct process though it will, if followed up, give the member of staff the relevant information. The Dignity at Work and Study Policy advises employees that if their allegation relates to a University student they should follow the procedure for students: paragraph 5.

12.2.3. The website advice also suggests that a member of staff speak to his or her line manager.<sup>13</sup> (The reference to referral to a Senate Assessor is now out of date.) A line manager should be well placed to offer guidance and it will be important for the line manager to be aware of the issues arising, but it ought to be clear that the ability to raise a concern about the conduct of a student should not be conditional on a line manager's agreement.

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<https://www.gla.ac.uk/connect/complaints/staff/whichprocedure/#iamamemberofstaffandiwish toraise a concern.whichprocedureshouldiuse%3F>

12.2.4. Taken together, the information given to members of staff about how to raise concerns about student conduct towards a member of staff is quite confusing. There is, in fact, a mechanism but, on the basis of the website information, it is difficult to work out what it is.

12.3. *Disclosure of information relating to the progress and outcome of HR processes*

12.3.1. A student who makes a complaint about the behaviour of a member of staff will use the University complaints procedure. There may be different routes into that procedure, depending on what contacts the student makes, but that is the formal mechanism for raising a concern about the conduct of a member of staff. When that happens, the Complaints Handling Procedure is followed.<sup>14</sup> I consider that procedure in chapter 14. In some cases, where disciplinary processes may be involved, there will be discussion between the Complaints Resolution Office and HR.

12.3.2. The normal approach in relation to HR processes is that they are kept confidential, when they are underway and at the conclusion. The default position would be that only the most limited information, if any, about investigations or decisions would be communicated to a student who has made a complaint. I am aware that that has caused confusion and unhappiness in the past. A student who makes a complaint about the conduct of a member of staff and is then told nothing further will, understandably, be concerned and quite possibly aggrieved at being kept in the dark.

12.3.3. Under the complaints handling procedure, the University will inform the complainant of the outcome of the complaint.<sup>15</sup> It is recognised within the complaints handling procedure that the response to a complaint may be limited by confidentiality. At paragraph 1.5.4:

“Examples of situations where a response to a complaint may be limited by confidentiality, such as [...] where a complaint has been raised against a staff member and has been upheld – we will advise the complainant that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.”

12.3.4. There is a balance to be struck. On the one hand, an employee can reasonably expect his or her confidential information to be protected, particularly where it is sensitive personal data. On the other hand, a complainant who is a student, especially one who is likely to be in future contact with that member of staff, can reasonably expect to be given relevant information about the progress and outcome of a complaint.

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<sup>14</sup> [https://www.gla.ac.uk/media/Media\\_790514\\_smxx.pdf](https://www.gla.ac.uk/media/Media_790514_smxx.pdf)

<sup>15</sup> Paragraphs 3.4.13 and 3.5.37



That is especially so where the complaint relates to sexual misconduct. A person who is complaining of sexual harassment, for example, needs to know that appropriate protective measures have been put in place whilst a complaint investigation is underway. At the conclusion of any complaint process where the complaint is upheld then, as well as the bare fact of that outcome, the complainant can reasonably expect to be told what action has been taken, especially if it has a bearing on whether the individual member of staff will be physically present in the workplace. For example, if the member of staff has been suspended for a period, or given advice about future contact with the complainant, the duration of that suspension and the nature of that advice will be relevant to the student. By contrast, *not* providing that sort of relevant information may well have a harmful effect. If a student who has made a complaint is not told anything about the timescale of a staff disciplinary matter or is only told about the outcome some time after the event, then he or she is left in a state of uncertainty and that is likely to compound existing anxiety about welfare.

12.3.5. There are, of course, considerations in relation to data protection and employees' rights. Depending on the circumstances of any individual case, protecting a complainant's welfare by making available timeous, relevant and proportionate information is likely to amount to a legitimate interest justifying disclosure of that information.

12.3.6. In the converse situation, where a member of staff uses the procedure under the Code of Student Conduct to complain about the behaviour of a student, no such issues arise. The rights of a reporting individual in such a case are much stronger and extend to the right to be present at a meeting of the conduct committee.

#### 12.4. *Support for those making complaints*

12.4.1. For a student raising a complaint about the conduct of a member of staff is likely to be a daunting experience. A student seeking to make such a complaint has the option of obtaining advice and support from the SRC Student Advice Centre. Information is provided on the complaints pages on the University website about other sources of support for students.<sup>16</sup> Realistically and practically, the Student Advice Centre is likely to be best placed to give assistance and I am aware of one case in which a student involved in a staff-related matter was able to access very helpful and supportive advice from that source.

12.4.2. A member of staff who is a reporting individual in a student conduct case is in a different position. There is no immediate and comparable source of support. I have referred elsewhere to the new position of Student Liaison Officer and have expressed my reservations about that role. Plainly, it would not be appropriate for such a person to

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<sup>16</sup> <https://www.gla.ac.uk/connect/complaints/#gettinghelptomakeyourcomplaint>

act in a liaison role with another member of staff. A more obvious source of support is within the HR team. Having spoken to HR officers, I understand that there is a willingness to provide that assistance. That depends on HR being made aware of the issue. If a member of staff speaks to his or her line manager, as is suggested on one part of the website, then that ought to provide a link to access HR support.

## 12.5. *Plural and asymmetric processes*

- 12.5.1. When different processes are invoked in complaints involving employees, students and members of the public and those processes coincide, overlap or collide, particularly difficult questions arise. This is an area that has been a cause of concern within the University for some time.
- 12.5.2. A student who makes a complaint about the behaviour of a member of staff will use the University complaints procedure. If a complaint is upheld, that will lead to a transfer to HR processes and possible disciplinary action and, in some cases, such a transfer may be made before the resolution of the complaint.
- 12.5.3. A member of staff who makes a formal complaint about a student's conduct will go through the student conduct procedure and will be a reporting individual.
- 12.5.4. It is obviously and entirely appropriate that the University should have different schemes for regulating and responding to student conduct on the one hand and staff conduct on the other. The University's relationship with its employees is that of the employer and it must carry out its grievance and disciplinary procedures in accordance with its obligations in that capacity. The University has a different relationship with its students. Broadly, the procedural pattern is the same in each case. There needs to be an investigation. The person against whom a complaint is made is entitled to be told what the issues are and to explain his or her position. There are basic fairness principles and rights of appeal. However, these procedures operate separately. There are different rules and different decision makers. One obvious distinction, already identified, is that in student conduct procedures the reporting individual is entitled to participate in meetings where evidence is discussed, whereas in the procedures covering staff conduct, whether at a complaints or disciplinary level, there is no equivalent role for the student complainant. In at least that sense, the procedures are asymmetric.
- 12.5.5. For as long as there is no overlap in the subject matter brought before these procedures, there is no particular issue. However, acute and very difficult problems arise when the same people become involved in complaints and counter-complaints. Some hypothetical examples

illustrate the difficulties which could arise. These do not refer to specific cases.

- Student A alleges that Lecturer B sexually assaulted her. She initiates a complaint using the University's complaints handling procedure. An investigation begins. Lecturer B denies the allegation of assault. He accepts that sexual activity took place but maintains it was consensual. He also claims that Student A has been stalking him. He initiates a complaint against Student A using the Student Conduct procedure.
- Student C alleges that Lecturer D sexually harassed her and initiates a complaint using the University's complaints handling procedure. An investigation begins. Lecturer D flatly denies the allegation. His position is that the allegation is malicious and he initiates a complaint against Student C using the Student Conduct procedure.
- Student E tells her friend, Student F, that a Graduate Teaching Assistant, G, has sexually assaulted her. Student F tweets an allegation that G is a predator. G initiates a conduct complaint against Student F, claiming that the allegation is false. Meanwhile, E reports the matter to the police and also uses the online reporting tool, including a statement to the effect that she wishes to make a formal complaint against G. G has taught Students E and F but it is unclear whether Student E is making a complaint against him as a postgraduate student or as an employee. Two months later, two people, H and I, who are not students but who have seen Student F's tweets, contact the University alleging that G also sexually assaulted them and stating that they wish to complain.
- Student J and Lecturer K each make allegations of sexual assault against one another. Both allegations relate to the same incident, in which there is agreement that a sexual encounter of some nature took place but each individual alleges that it was instigated by the other and that they did not provide consent. This creates the potential for a complaints handling procedure and Student Conduct procedure making findings in fact in relation to the exact same incident.

12.5.6. Although these sorts of scenarios are very unlikely to arise as a matter of routine, they are not fanciful or exaggerated.

12.5.7. The University's existing procedures could be used and, indeed, would have to be used. These are all serious allegations and demand an immediate response, including the carrying out of risk assessments and, if necessary, putting in place interim measures such as suspension. However, the existing procedures would buckle under the strain of complaints and counter-complaints. Different decision makers would be asked to consider evidence relating to the same subject matter but would have to deal with it for different purposes and in different ways. The separate procedures are not designed to interact with each other. There

are no provisions stipulating what should happen in the event of multiple complaints being made through different processes.

12.5.8. Given past experience and against the possibility that complex situations similar to those outlined above might arise in the future, it would be prudent to have in place a plan to resolve the tensions between the different processes. It appears to me that where there are simultaneous processes there are three possible approaches.

12.5.9. The first would be to take matters in strict sequence. The first complaint that is made is dealt with first with subsequent complaints put on hold until it is resolved. That may work but could in some circumstances be unsatisfactory, for example, where the later complaint involves matters which are much more serious than the first.

12.5.10. The second approach would be to take one type of process first, and if so priority probably ought to be given to the staff process. Grievance and disciplinary processes tend to be completed relatively quickly (with some exceptions) and the suspension of a member of staff will probably have a wider impact than that of a student. This may be an unsatisfactory rule since there may be cases in which it makes obvious sense to deal with the student conduct matter first.

12.5.11. I have discounted the idea of creating a new form of hybrid or composite process within which all complaints involving the same people could be resolved. That would be excessively complicated. That leaves a third possible approach, which would be to introduce a mechanism to be used in cases identified as complex which would allow for a meeting to take place between an appropriate senior member of staff from each of HR and the Student Conduct office to discuss and determine the prioritisation and coordination of procedures. It may be possible, for example, to agree that a single investigating officer is appointed and asked to prepare a composite report covering all relevant issues, or, where appropriate, a report in each case. That would be an efficient and time-saving approach, reducing pressure on witnesses and allowing for a consistent understanding of factual information. A complex case would be defined as one with multiple complaints, whether those complaints are made from within the University or are external. It would still be necessary to have separate determinations in each of the student and staff processes but with senior members of staff taking responsibility for overseeing procedure, the risk of conflicting and confusing processes and outcomes would be significantly reduced.

*Recommendation (14). In reviewing the procedures applying to staff and students, and the complaints handling procedure, the University should consider introducing a procedural mechanism to be used in complex cases allowing for (a) a conjoined meeting for relevant members of staff to agree on prioritisation and coordination of procedures, and (b) the appointment of a single investigating officer and the preparation of a composite report.*

### **13. POLICIES AND PROCEDURES RELATING TO STAFF AND STUDENTS: PERSONAL RELATIONSHIPS POLICY**

- 13.1. The University has in place a personal relationships policy. This sets out in fairly clear and detailed terms the University's expectations and requirements in relation to close personal relationships between members of the University community. It is published on the University website.<sup>17</sup> Whilst it also covers relationships between members of staff where there is or may be a conflict of interest, the main focus is on relationships between members of staff and students.
- 13.2. I understand it to be generally accepted, within the University and throughout the higher education sector, that there is a need to set parameters in respect of such relationships, although that is against a background in which, at least in the past, relationships between staff and students were not uncommon. Provided there is no exploitation or abuse of any sort, there is nothing inherently wrong with a relationship between two adults. The University's personal relationships policy strikes a sensible balance. In addition to the policy itself there is useful step-by-step FAQ section on the University website which explains in a readily comprehensible format what needs to be declared, when and to whom.<sup>18</sup> In addition, there are pointers to sources of support for those who are experiencing coercive and controlling behaviour.
- 13.3. Few contributors had comments to make about the personal relationships policy. The numbers of formal disclosures are low; there were 10 disclosures of staff-student relationships in a two-year period to 2020 and in the majority of cases the student was a postgraduate. Generally, members of staff were aware of its existence and those who referred to it regarded it as an improvement relative to situations in the past when it was common for some members of academic staff to form relationships with students who were, typically, much younger and often quite vulnerable. Some contributors spoke of situations of which they were aware, including in the recent past, where members of staff had had affairs with students and where no formal disclosures had been made. I was not made aware of any current situations in that category.
- 13.4. Although I received few representations relating to the personal relationships policy, questions were raised with me about the consequences of declaring a relationship and, in particular, the differential treatment of the member of staff relative to that of the student. The personal relationships policy emphasises that a member of staff is under an obligation to disclose a relationship whilst a student is merely encouraged to do so. When such a disclosure is made, it becomes an HR matter. It is for the relevant HR Director to put in place measures to manage any conflicts of interest. A point of contact should be identified for the student as well as the member of staff

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<sup>17</sup> <https://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/policy/prp/#d.en.602994>

<sup>18</sup> <https://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/policy/prp/faqs/>

but I understand that, in practice, the emphasis is very much on the member of staff. The rationale is to maximise protection for the student, although I was told that, in practice, that can mean that the student is effectively excluded from discussion. As a result, there is a perception that the member of staff is immediately seen as a risk whilst the student is seen as a potential victim. The concern was raised with me that that fails to acknowledge that what is being disclosed is a mutual and consensual relationship rather than something which is immediately identified as a safeguarding risk. It was also suggested to me that treating the student as, essentially, a passive recipient of protection downplays the student's own agency.

13.5. Information has also been made available to me showing that the University handles disclosures of personal relationships between staff and students in a thorough and careful way. The approach can be robust and, where it is, I am aware that that has caused upset and tension. There is a risk that an overly robust approach will inhibit appropriate disclosures being made.

13.6. I do not consider that any changes to the personal relationships policy itself are needed. Application of the policy should be done in a sensitive way that respects the fact that the student will, in many respects, be an equal partner in the relationship with his or her own agency.

## 14. COMPLAINTS PROCEDURE

- 14.1. The University's Complaints Handling Procedure is published on the University website.<sup>19</sup> It is adapted from the Scottish Higher Education Model Complaints Handling Procedure as set out by the Scottish Public Services Ombudsman. The University's procedure is detailed and comprehensive. It is intended to cover the full range of complaints, and may be used by anyone who receives, requests or is affected by University services: paragraph 2.2.1.
- 14.2. The aim is to provide "a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff": paragraph 3.1.1. There are two possible stages. The first is a frontline response. That may allow for a resolution but, if it does not, the matter is escalated to the second stage, which involves an investigation.
- 14.3. The University undertakes to publish information on complaints outcomes and an annual complaints performance report: paragraph 4.2. Information is published on the University website, but it is out of date. The most recent annual report on the website is for the academic year 2019-20.<sup>20</sup>
- 14.4. Very few complaints relate to sexual assault or harassment or other forms of gender-based violence. I have been given up-to-date information about the subset of complaints involving sexual misconduct cases investigated under the Complaints Handling Procedure. There are nine cases in total in the past five years.
- 14.5. In addition, I am aware of a case in which a student who had been the subject of a conduct complaint, involving allegations of sexual misconduct, used the University's Complaints Handling Procedure to complain about the way in which that conduct matter had been handled. The University having decided to take no further action in the conduct matter, there was no realistic appeal option.
- 14.6. Within the Complaints Handling Procedure there are timelines for considering complaints. Frontline responses must be completed within five working days, although there is provision for extensions of no more than 10 working days: paragraph 3.4. For cases which are investigated at stage 2, a full response should be provided not later than 20 working days from the time the complaint is received for investigation, subject to extensions: paragraph 3.5. (The Complaints Handling Procedure includes statements that further information on timelines is included in Appendix 1, but there are no appendices to the policy.)
- 14.7. It is outwith my remit to consider all aspects of complaints handling by the University. The great majority of complaints which are raised have nothing to do with gender-based violence. I observe, though, that delay is a

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<sup>19</sup> [https://www.gla.ac.uk/media/Media\\_790514\\_smxx.pdf](https://www.gla.ac.uk/media/Media_790514_smxx.pdf)

<sup>20</sup> <https://www.gla.ac.uk/connect/complaints/statistics/>

common problem. In those cases involving gender-based violence issues which have been investigated under the complaints procedure at stage 2, delay has been a feature. Of those cases which I have looked at in detail, multiple extensions were necessary. One case took nine months from the start of the stage 2 investigation process to the conclusion and another took three months. A more recent case, this year, took six months. Where there are complex factual issues to investigate, or where issues are seriously in dispute, then it is understandable that 20 working days may be too short a timescale. However, lengthy delays such as these are a matter of serious concern. I understand that they are attributable in part to volume of work and the demands on members of staff in the University's complaints office. However, the consequences for a person making a complaint are potentially very serious. I am aware that, in the most recent case, the student making the complaint has experienced a seriously detrimental impact. The University must take steps to improve response times.

14.8. I understand that the delays are attributable to the size of the caseload and, further, that steps have been taken to increase the resource available to the team. As at September 2022, arrangements are being made to recruit an additional member of staff. That will be a welcome improvement.

14.9. So far as the substance of complaints handling is concerned, it appears to me that, on the whole, the process works reasonably well. That is subject to an important qualification. Where there has to be an interaction with another process, and in particular student misconduct processes, the process is neither simple nor streamlined. These are matters addressed in chapter 13 of this report, but the following points need to be highlighted.

14.10. Where a person, whether a student, a member of staff or someone external to the University complains about the conduct of a student, that is dealt with under the Code of Student Conduct. There are appeal provisions within that process, but it is open to any person, whether the reporting person or the responding student, to complain about the way in which the conduct matter was handled. Given the problems identified with the student conduct processes, I am surprised that there have not been more formal complaints of this kind. Distinguishing between what should properly be an appeal within the conduct process and a handling complaint requires careful attention. A handling complaint may involve looking at questions of fairness and reasonableness. These are not simple. The Complaints Handling Procedure acknowledges, at paragraph 2.5.26, that a person may wish to complain about how the University handled a concern about the conduct of a student. The example given is where a teacher allowed a student's behaviour to disrupt a class or an exam. That example is simple, but there are cases, actual and potential, where the circumstances are significantly more complex. Were there to be an increase in cases involving complaints about conduct procedures, I doubt that the existing systems are sufficiently resourced to deal with them.

*Recommendation (15). The University should keep under review the response times for handling complaints.*



## 15. TRAINING

### 15.1. *Introduction*

15.1.1. The adequacy of the University's approach to gender-based violence is, to a significant extent, dependent on the training provided to staff. This chapter considers the training which is provided to staff in this area. Training and educational materials provided to students are considered in chapter 5.

### 15.2. *The purposes of training*

15.2.1. Before examining the training provision in any detail, there are a number of preliminary matters which ought to be addressed.

15.2.2. Different types of staff will have different training needs, when it comes to gender-based violence. First, there may be a case for equality and inclusion training to be delivered to all staff, in order to promote a safe and inclusive workplace. Such training is likely to be similar to training made available by a wide variety of employers. The intention of such training is to promote respectful behaviour between colleagues and reduce instances of workplace sexual harassment. Training will never reduce instances of gender-based violence to zero, nor deter those who are committed to acts of unacceptable behaviour. However, as with training for students, it is hoped that such training might provide at least two benefits: (i) changing views as regards at least some conduct which individuals might have considered to have been acceptable (or perhaps was considered acceptable in the past); and (ii) clearly setting standards, so that staff can be in no doubt, for the purposes of any disciplinary investigations, as to what conduct will not be tolerated by the University.

15.2.3. Secondly, a wide variety of staff across the University may come into contact with victims of gender-based violence, as part of their core duties. Such staff include advisers of studies, line managers, accommodation wardens, security staff and first responders. These staff are obvious "first contact" points for those who wish to make a report of gender-based violence. It is important that such staff are properly trained in order to:

- Provide an empathetic and reassuring response to those making a report;
- Adequately advise those making a report of their options in terms of complaints/conduct procedures, and further sources of pastoral support; and

- To provide assistance and support to the reporting individual in a manner which does not prejudice any subsequent investigation, either at the University-level or by the police.

15.2.4. There are a number of individuals within the University who may be appointed on an *ad hoc* basis to investigate allegations of gender-based violence made against members of staff or students. It is essential that such staff have proper training to allow for the appropriate collection of evidence. Such staff require to have a clear understanding of the ultimate end-point of their investigation: a conduct or disciplinary hearing. They must be clear as to what evidence is required for such a hearing. They are also likely to come into contact with reporting individuals and must be able to conduct any interviews in a reassuring and empathetic manner. However, it is also important to tailor any such training to the specific role of the investigator. While there may be a place for reassurance and encouragement by staff exercising a pastoral role, it is essential that those investigating allegations do nothing which risks prejudicing their investigation or undermining the quality of the result.

15.2.5. Further, there are members of staff who sit on non-academic conduct committees and exercise an important decision-making function. They will come into contact with reporting individuals and responding students at an especially acute point and will have responsibility for asking questions and testing evidence. It is in everyone's interests that they are trained to do that in a way that is not just effective but also sensitive, and that they are alert to the danger of re-traumatising people involved in the process.

15.2.6. Senior staff, especially Heads of Schools, carry a heavy burden of responsibility covering not just line management but leadership of large groups of staff and students. When difficult issues arise, it will often be to them that others turn for guidance. They require both support and training tailored to that role.

### 15.3. *Training is not a cure-all*

15.3.1. It is tempting to view training as the key tool to addressing attitudes relating to gender-based violence. It is not and never can be. In particular, I would caution the University against turning immediately to the question of training whenever there has been an apparent failure in upholding standards.

15.3.2. I am aware of certain parts of the University in which morale is low as a result of a perceived failing in standards relating to specific instances of gender-based violence. In circumstances where allegations have been made, many staff have reported a sense of shock and a decrease in their trust in colleagues, management or the University as an institution. Following a high-profile incident, staff have reported to me a sense of "collective trauma" within certain parts of the University.

15.3.3. That is not an environment in which training can be effective. The work to re-establish collective trust must be a more fluid and communicative process than the delivery of top-down training from management. Fundamentally, training can only be effective when delivered to individuals who are willing to be trained. In situations where there is a fundamental breakdown in trust between staff and management (or between different groups of staff or between individuals), it is unrealistic to believe that moving straight into the delivery of a training course is likely to do anything meaningfully to improve standards. It may, indeed, be counterproductive. It would be most unfortunate to create an environment in which training is dismissed by those asked to attend it as a management “box-ticking” exercise.

15.3.4. In that context, I have been impressed by the management in some parts of the University, who have sought to facilitate group sessions to allow staff at all levels of seniority to discuss the concerns they have about gender-based violence in an open environment. Whilst it appears that it took some effort to obtain the necessary approvals and funding to carry out such sessions, staff were positive about the potential of such sessions. Part of the benefit in such an approach was felt to be the use of external facilitators, to allow for open discussions amongst participants. I understand similar practices have been adopted with HR staff acting as facilitators and that this approach did not allow for the same sense of open and candid participation. There was, perhaps inevitably, a sense that HR representatives might be monitoring responses or engaging as part of a process to protect the University’s interests. It seems to me that the problem is one of perception and that there is no reason to think that the University’s HR professionals have acted in anything other than good faith. Even with external facilitators, some staff reported that there could remain an awkwardness in trying to discuss the nature of any systemic problems, alongside senior managers. There is a concern about the risk of repercussions for raising concerns. It may be that there are improvements to be made to the process but, overall, the staff I have spoken to have been optimistic about these sessions as an opportunity to rebuild bridges.

15.3.5. Such sessions are not necessary in relation to all instances of gender-based violence in the University. They have been proposed, in my understanding, in relation to issues which appeared to have wide ramifications and affected a variety of staff. In circumstances where there have been serious breakdowns in trust, such an approach may well allow for the creation of a more positive environment, in which training can thereafter be engaged with in good faith.

#### 15.4. *Rape Crisis Scotland and Rape Crisis Glasgow and Clyde*

15.4.1. In recent years, the University has engaged to a significant degree with Rape Crisis Scotland and Rape Crisis Glasgow and Clyde,

with regard to the delivery of training relating to gender-based violence. They helped to draft the consent training for students referred to in chapter 5. Rape Crisis are also heavily involved in staff training. In particular, I understand that they have helped deliver training to first responders and those who are appointed as investigators in relation to conduct complaints.

15.4.2. I have heard mixed opinions about the training provided by Rape Crisis Scotland. However, I consider that the response to such training is, to a significant extent, dependent on the roles with which Rape Crisis Scotland are assisting. Rape Crisis Scotland are a charity with the stated aim of supporting survivors of gender-based violence.<sup>21</sup> They have a long history of working with, and providing support to, women who have experienced gender-based violence. There is, no doubt, much to be learned from their experiences when it comes to the University's role in providing trauma-informed support. One contributor described them as the "go-to subject matter experts" in this area. Many of the positive comments I have received regarding Rape Crisis Scotland relate to those issues. They are seen as able to provide the language and tools needed to engage with reporting individuals empathetically and reassuringly. That is an important and valuable contribution to training across the University. The use of Rape Crisis Scotland training for those acting in pastoral roles, particularly as first responders, ought to be welcomed. Having reviewed a variety of the Rape Crisis training materials, I agree that, for that purpose, their resources are helpful. There is a benefit in drawing on external and specialist expertise.

15.4.3. Where I have heard greater criticism is in relation to Rape Crisis Scotland's role in training those acting in investigatory roles. A number of individuals spoke to us about having attended training by Rape Crisis Scotland in relation to such roles. The tenor of the feedback was that this training was helpful but did not go far enough in actually training individuals to carry out the work. The focus, as I understand it, was, again, on empathy for reporting students and how to provide a reassuring environment for them, as well as a more discursive consideration of the nature and effects of gender-based violence. That is of obvious importance. However, the role of investigator goes much further. An investigator must understand the processes in which they operate and the nature of the disciplinary outcomes they are working towards. They have a neutral role and it is not appropriate for them to take an approach, or use language, which could be seen to compromise that neutrality. In particular, a number of contributors expressed unease about the language of "survivors" and "perpetrators" in a fact-finding context, in which no allegations have yet been established.

15.4.4. Some contributors went as far as to suggest that the involvement of Rape Crisis Scotland in training related to conduct procedures was not appropriate at all. Some suggested that their

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<sup>21</sup> <https://www.rapecrisisscotland.org.uk/about-history/>

intentions are obviously positive but that their role as a supporter of survivors of gender-based violence meant that their training would inevitably be compromised. I do not go that far. My experience is that Rape Crisis Scotland are aware of the different role fulfilled by investigators. There remains a justification for ensuring that investigators are aware of the trauma which many reporting students have undergone and of approaching any discussions with them in an appropriate manner. However, the training provided by Rape Crisis cannot be a panacea in this area. Training must also address the relevant policies and procedures and focus on neutrality in the investigation process. Such training has to come from staff in the University, who are embedded in those procedures, rather than from an external provider such as Rape Crisis Scotland. In fairness to Rape Crisis Scotland, they act within their area of expertise and make no claim to be able to provide comprehensive training on all aspects of misconduct investigations and procedures. It is not their function to tell University staff how University processes work and they do not attempt to do that. I discuss the training in relation to conduct procedures further below.

#### 15.5. *Conduct procedures*

15.5.1. Investigators and panel members are essentially voluntary roles drawn from the general University staff population. They are not experts in gender-based violence. Nor are they specialist investigators. Whilst some individuals have built up experience from having conducted a number of investigations over the years, that appears to have developed from trial and error or self-reflection, rather than formal training. Overall, my impression is that those involved in the conduct procedures, either as investigators or panel members, are concerned that the training they have been provided with is insufficient. Many of my comments in relation to this issue should be read in conjunction with my concerns about resourcing more generally with regard to conduct procedures, as discussed in chapter 8.

15.5.2. I have spoken to individuals who have carried out investigations in relation to allegations of gender-based violence. My experience is that they have taken the role seriously and have, in many cases, thought hard about the investigation process and how to ensure it is fair to all parties, but also not more upsetting for reporting students than it has to be. Some have, during the course of their investigations, identified relevant training needs and obtained informal support from colleagues, who were able to provide the necessary support to the investigator. The steps which some staff were willing to take to ensure a good quality investigation were reassuring and positive, but it is concerning that they felt the need to seek this further information once they had already been appointed as investigators. Staff are already conducting these investigations in addition to their full-time professional duties. It is unrealistic to rely upon them to identify their own training needs during the investigation process.

15.5.3. Others have spoken specifically of the training received by those who are to act as investigators. Their impression was that the content provided (by Rape Crisis Scotland) was not bad but simply did not go far enough in equipping an individual to carry out an investigation, particularly in relation to the difficult issues arising in gender-based violence cases. One individual expressed the view that, having been on the training, they would not feel comfortable acting as an investigator in a gender-based violence case and would not volunteer to do so.

15.5.4. In relation to those who sit on conduct committees, I have heard some suggestions that some members hold outdated attitudes in relation to gender-based violence issues. Some have suggested that some panel questioning of reporting individuals can be inappropriate. I note those reports. I have not observed any conduct hearings, or the deliberations which follow. However, I repeat my earlier observation that, having met numerous members of academic staff with experience of sitting on conduct committees, I formed the view that they were well-informed and well attuned to modern student life. That may not be uniformly true, and I recognise that those whom I met may not be a truly representative sample, but I would be surprised if there were a widespread problem. Others have expressed the view that panel members, whilst acting wholly in good faith, feel ill-equipped to deal with issues such as the standard of proof to be applied.

15.5.5. Investigating and adjudicating on cases relating to gender-based violence are not easy. Those involved in these processes do not work in these areas full-time. It is an essential element of a properly resourced conduct system that individuals operating within the system are properly trained. Such training must involve:

- A clear understanding of the procedures in which the investigation or hearing is operating.
- The importance of obtaining evidence in a way which does not prejudice the decision-making process or any other parallel investigation (this will often mean suspending investigations prior to the determination of any criminal charge).
- The importance of neutrality in the investigation of complaints and of the principles of natural justice when it comes to adjudicating complaints.
- How to treat all individuals in the process, including both reporting and responding individuals, with courtesy and respect.
- Explanation of key concepts, such as the standard of proof, hearsay evidence, and an understanding that there are harmful misperceptions about sexual violence (rape myths).

15.5.6. As noted above, whilst some of this training may be assisted by input from external experts, such as Rape Crisis Scotland, other parts will require input from University management and those who are routinely involved in conduct complaints. In my view, a proper process of setting out the requirements and procedures in relation to investigations ought to be the priority.

15.5.7. Given the recent introduction of a new Code of Student Conduct and given the issues that have arisen following its implementation and the backlog of current cases, there is a pressing need for training for all those members of staff who will be engaged in operating the new conduct procedures. There is now a real opportunity to re-set good practice in student conduct. That will mean investing significant time and effort in good quality training covering all aspects of the new conduct procedures.

#### 15.6. *External training providers*

15.6.1. As noted above, Rape Crisis have been a key provider of training resources to the University. Some contributors have suggested that there is a virtue in having a diversified approach to external training providers (without necessarily meaning any criticism of Rape Crisis). However, to the best of my knowledge and informed by asking the question of various people in a position to know, the options for alternatives are extremely limited.

15.6.2. Police Scotland provide valuable training to First Responders, particularly with regard to what reporting individuals can expect should they make a report to the police. That is valuable information and important for First Responders in setting out all of the avenues which a reporting individual may wish to consider. Police Scotland also have very useful resources relating to consent and sexual offending and information about reporting coercive and controlling behaviour. There are already good lines of communication open between Police Scotland and the University security team. Having spoken to Police Scotland, I know that there is a willingness to work further with the University in promoting awareness and providing support with training.

15.6.3. In looking ahead to refreshed and improved training covering the new conduct procedures, the University should consider undertaking that cooperatively. The main training, on the procedures themselves, will almost certainly best be provided in house, though there will be a benefit in complementing that with specific training relevant to cases involving gender-based violence.

## 15.7. *Further training matters*

15.7.1. In chapter 3 I referred to the work of the Equality, Diversity and Inclusion Unit. Their role in developing the content of training programmes for staff, and in coordinating the delivery of training, is very important. In an organisation as large and complex as the University it is essential that there is consistency in the content of training materials and it is clear that the work of the Unit helps to bring people together across a wide range of disciplines and with a variety of experiences. I am aware that the training they provide is not limited to training members of staff who undertake specific roles in investigation, for example. They are also implementing other measures, such as bystander training, and are working on the development of support systems for reporting parties through formal processes. These are not matters that I have explored in depth but it is important to recognise that they are in place. The University benefits greatly from having these resources.

15.7.2. One challenging aspect of training is how to prepare people for the unexpected. Advisers of studies, for example, or wardens in halls of residence may be the first point of contact in dealing with a crisis and, in general terms, there is good support for people in that role. Being alert to safeguarding risks is important, whether in the immediate situation or in dealing with a later report. I have heard of a situation in which, in the context of a discussion about an unrelated complaint, a student disclosed that a friend had been sexually assaulted by another student. That disclosure was not followed up at the time, though, ultimately, there was a criminal conviction. There was a clear risk that required attention but it came to the University's attention in an indirect way.

## 15.8. *Conclusions*

15.8.1. There is no doubt that training is important in relation to gender-based violence. But the key question the University must consider is training *for what?* As discussed at length in other parts of this report, the University carries out various different functions: educational, pastoral, and disciplinary. The training required for those involved in these different functions is likely to differ. In particular, the training requirements for those investigating and adjudicating on allegations of gender-based violence are high. The focus must not be simply on how to engage with reporting students but also on the procedures that ought to be followed, and how to ensure that those procedures remain fair. While there is scope for external support in relation to that training, much of it could most usefully be provided internally, by those who are already involved in the process.

15.8.2. In my view, good training needs to cover two things: what is to be done, and how it is to be done. It is probably best to provide training in that order. Those who need to know about processes should be given that information first, so that they know the structure within which they



are working. Once they understand the 'what', they are in a good position to learn about the 'how'.

*Recommendation (15). The University should keep under review the provision of training to members of staff relevant to gender-based violence. That should be with a view to balancing the training that the University is best able to provide, in relation to the conduct procedures themselves, with training that best done by those external providers who have specialist expertise.*

## 16. EXTERNAL LINKS

16.1. As acknowledged at the outset, the University does not operate in isolation. Its approaches to gender-based violence are informed not just by the experiences within the institution but by connections and awareness elsewhere. There are already well-established networks connecting the institution with other bodies and supporting individuals in their work in dealing with gender-based violence. I have already referred to a number of these.

16.2. My focus has been on work carried out within the University of Glasgow. My attention, though, has been drawn to situations in which students who have been subject to misconduct proceedings leave one university and then apply to study at another. Such situations present very difficult challenges. A student who is subject to a criminal investigation must keep the University informed about the progress of that investigation: paragraph 33.25 in the Code of Student Conduct. However, there is no general obligation to disclose information about criminal convictions when applying. This is covered in the University's criminal convictions policy, which states that the majority of programmes do not require a declaration of criminal convictions at the point of application. For some specific professional or clinical subjects, there is a need for a criminal record check.<sup>22</sup> There is no obligation on a student to disclose a finding of misconduct made by another institution, still less to disclose a situation in which he or she has left prior to the completion of an investigation or a conduct process.

16.3. I do not suggest that there is a need for a blanket policy of asking for information about criminal convictions at the point of application. However, where a student has been expelled from one institution following misconduct proceedings, it is likely to be in the interests of the second institution receiving an application to be aware of that fact, at least for the purposes of risk assessment, and that would be so especially if the move is made after a very short period of time. The issues, though, are not straightforward because they involve questions of data protection and privacy rights. There is scope for introducing a screening mechanism which would ask applicants to provide relevant information if they have come from another institution. These are matters best dealt with cooperatively with other universities and I would encourage the University to continue in dialogue with Universities Scotland on that subject.

16.4. Separately, issues may arise in relation to the movement of staff between universities. Relative to issues connected with students, these issues are more straightforward since they are likely to be covered by universities' employment and recruitment processes.

16.5. More generally, Universities Scotland is well placed to assist and to provide a coordinating function. In addition, there is much work being done

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<sup>22</sup> <https://www.gla.ac.uk/undergraduate/entryrequirements/policy/#criminalconvictionspolicy>

by Scottish Government through the Equally Safe project,<sup>23</sup> and more specifically at Strathclyde University with the Equally Safe in Higher Education (“ESHE”).<sup>24</sup> ESHE is supported by the Scottish Government and the published toolkit contains a great deal of guidance. I am conscious that members of staff within the University, in particular working in equality, diversity and inclusion, are already well aware of work being done at a Scotland-wide level as well as more locally. They are also aware of the information and resources available through the 1752 Group (in relation to staff sexual misconduct)<sup>25</sup> and others. It seems to me that there is scope for the University as an institution to draw on the significant expertise of its own members of staff who work in this area.

- 16.6. Another source of information and guidance is Emily Test, a charity working in Scotland to improve gender-based violence prevention, intervention and support in further and higher education. Emily Test is funded by the Scottish Government. It promotes a Gender-Based Violence Charter.<sup>26</sup> It has also carried out a substantial amount of research. Some, but not all, institutions have chosen to apply for the Emily Test Charter, making a commitment to work with the charity in improving responses to gender-based violence on campus.
- 16.7. There are significant overlaps between the work done by ESHE and Emily Test and there are numerous other sources of information and guidance. Broadly, there is a great deal of consistency in what is recommended. There is obviously a consensus view that gender-based violence in universities is a serious issue and that institutions must have in place policies and systems for preventing it and responding to it when it arises. Most of what is written in the extensive publications is entirely uncontroversial. If anything, there is, arguably, too much material which says the same things, sometimes in slightly different ways. It is not difficult to agree with the general principles. Nor is it difficult for any individual institution to articulate that agreement and to publish written policies which are consistent with external guidance. It is very much more challenging to make sure that the practice works, day to day and person by person.
- 16.8. There is value in cooperation and sharing good practice and there are benefits in drawing from experience and research elsewhere. The work done by Universities Scotland is likely to be particularly helpful. However, paper-based exercises are of limited value and it is not obvious to me that going through a process of audit or validation by reference to standards set by an external organisation adds very much. Such standards can only be at a very general level and, insofar as they are premised on eliminating gender-based

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<sup>23</sup> <https://www.gov.scot/publications/equally-safe-in-colleges-and-universities-core-leadership-group-annual-operating-plan-2022-23-and-2023-24/>

<sup>24</sup>

<https://www.strath.ac.uk/humanities/schoolofsocialworksocialpolicy/equallysafeinhighereducation/esh toolkit/>

<sup>25</sup> <https://1752group.com/>

<sup>26</sup> <http://emilytest.co.uk/wp-content/uploads/2022/05/EmilyTest-Gender-Based-Violence-Charter-detached.pdf>

violence completely, they are unattainable. The real work is in implementing practical initiatives, making well-informed decisions about where resources should be targeted, and monitoring the effects. That is work that must be done by the University itself.

## 17. CONCLUSIONS

17.1. In paragraph 1.2.4 I set out the questions shaping the terms of reference for this investigation and review. In drawing together conclusions, I return to them.

17.2. *Policies, procedures and support arrangements.*

17.2.1. The University has various codes and policies that apply to students and staff. The relevant documents are appended to this report. These codes and policies are relevant in that they deal with gender-based violence when it arises. They provide a framework for regulating conduct and for responding to misconduct.

17.2.2. An effective regime for dealing with misconduct plays an important part in preventing it. If it is understood that the University will act swiftly, proportionately, consistently and fairly when a report is made, that helps to create and maintain a culture in which values are visible and in which bad behaviour is discouraged.

17.2.3. Good preventative work requires more than an effective regime for dealing with misconduct. For the most part, in relation to students, responsibility for awareness raising work falls to the SRC. It is important for the University to resource that work and, where appropriate, to endorse it and to make its own position very clear. In relation to staff, a good workplace culture where trust and openness are strong will tend to inhibit bad behaviour.

17.2.4. The University has in place a variety of support arrangements for students and staff. The information I have received relates primarily to student support and it is, in the main, very positive.

17.3. *The effectiveness of the University's policies, procedures and support arrangements and improvements that might be made*

17.3.1. In broad terms, the University's Code of Student Conduct provides a well-structured regime for responding to complaints of misconduct. The Code of Student Conduct has recently undergone substantial revision. Separating academic and non-academic misconduct was a sensible move. In some respects, the changes made are not obviously helpful. The University should take the opportunity to review the revised Code of Student Conduct.

17.3.2. The real problems with the Code of Student Conduct lie in its implementation. There are serious weaknesses in the administration of student misconduct matters. The new Code of Student Conduct was implemented without proper preparation. The student conduct team is

working within a structure which is insufficiently robust and with inadequate resource. There are inconsistencies in the treatment of cases and in record keeping and most cases are subject to serious delays. The members of staff responsible for day to day management are doing their best but the current situation is unsustainable and carries a high level of risk for the University. Urgent attention is needed.

17.3.3. In general terms, the arrangements that are in place to support students who experience gender-based violence are strong and, in some respects, are excellent. The counselling service, for example, is efficiently and sensitively managed. There is room for improvement in some areas, such as coordinating management of data, and whilst individuals' experiences will vary, a student who seeks support from the University can expect a prompt and helpful response.

17.3.4. Good support and good management of conduct matters have to go together. High quality counselling may assist a student who has experienced gender-based violence but if that student's complaint is not handled well, much of that good work may be undone. If responding students' experiences are that they cannot secure advice or that conduct cases take many months, that will lead to disaffection and a loss of confidence.

17.3.5. The handling of sexual misconduct matters by the student unions has not been effective. That is a burden that the student unions should not have to carry.

17.3.6. There are some variations in experience of the working culture across the University. In general terms, staff policies and procedures are robust and well run. Where cases involving sexual misconduct arise, there can be damaging consequences affecting members of staff, including those not immediately involved. Good quality aftercare is very important. The University understands those needs and is able to provide appropriate support.

17.3.7. Where conduct, grievance and complaints procedures involving the same people or relating to the same matters intersect or run in parallel, especially where both students and staff are involved, serious issues can arise and there is scope for confusion and delay.

#### 17.4. *Final observations*

17.4.1. All of the issues identified are capable of being resolved. Some require urgent attention. In other cases, in particular in working in areas where levels of confidence and trust are low, or where there are disaffection or divisions, longer term strategies will be needed. Undertaking this work will depend on commitment, patience and a willingness to devote proper resources to support the efforts that are now

needed. I am not in any doubt that the University has the capability and the collective will to undertake that work.

17.4.2. I wish to reiterate my thanks to all who contributed to this investigation and review. I am very grateful to those who spoke to us and wrote to us, who provided information and who asked questions. I am sincerely grateful for the trust placed in me.

17.4.3. At the beginning of this report, I likened the exercise to holding up a mirror to the University. In the reflections there are people who have experienced great pain. There are some who have lost trust in the institution where they work or study, whether they have felt unsupported or unfairly treated. At the same time, the reflections also show members of staff who have imagination, skill and a serious commitment to the welfare of the whole University community. They also feature students who are determined to change attitudes and practices for the better and who care about each other. Individuals may or may not see themselves reflected but I hope that the University, collectively, is able to see clearly what needs to be done.

## 18. RECOMMENDATIONS

*Recommendation (1). The University should review its website content relating to gender-based violence and related conduct procedures with the aim of improving accessibility of information.*

*Recommendation (2). The University should continue to work with the SRC with a view to (a) ensuring that there is appropriate funding for the SRC's own work in awareness raising in relation to gender-based violence, and (b) agreeing a strategy for joint working, whether through a campaign or publishing information, which communicates what gender-based violence is and how it is dealt with.*

*Recommendation (3). The University should support the SRC in developing appropriate training and other resources in relation to sexual conduct and consent matters. Training and other awareness raising tools are helpful but mandatory training should not be considered to be essential.*

*Recommendation (4). The management of the online reporting tool should be reviewed and measures put in place to ensure that the first line response to reports is handled at a suitable level. The current arrangement, whereby the immediate response to every report relies on a very senior member of staff taking action, must be reconsidered.*

*Recommendation (5). The University should ensure that all information submitted through the online reporting tool and actions taken are recorded consistently.*

*Recommendation (6). The University should bring forward plans to introduce a safeguarding manager, with a suitable team, to take responsibility for overseeing the response to all safeguarding issues arising, whether those come from online reporting or from elsewhere. The responsibilities of the safeguarding manager would not be limited to responding to reports of gender-based violence but it should be anticipated that such reports would form a substantial part of the workload of that person.*

*Recommendation (7). The capacity of the University counselling service should be increased to allow for an expansion in the provision of specialist gender-based violence counselling.*

*Recommendation (8). The University should review the advice, support and training that it provides to members of staff whose responsibilities include, or may include, responding to disclosures of information about gender-based violence. In particular, such advice, support and training should cover data handling and the proportionate communication of sensitive information with a view to ensuring that students do not require to make repeated disclosures of such information.*

*Recommendation (9).*

*The University should keep the Code of Student Conduct under review. In the review process, the University should consider the following issues:*



#### Drafting: accuracy and clarity

- *Consistency with the Dignity at Work and Study Policy and the Code of Practice on Unacceptable Behaviour*
- *Ambiguities and the scope for confusion in the list of examples of unacceptable conduct*

#### Policy: issues of principle

- *The University should consider and clarify its position in respect of accepting complaints (including complaints from members of the public) about student conduct in situations unconnected with any University activity. It should consider whether, as a matter of policy, it wishes to maintain a position whereby it accepts and processes all complaints, or whether it should apply a threshold test.*
- *The University should reconsider whether Student Liaison Officers are either necessary or helpful.*
- *The University should review the position in respect of the differential treatment of students according to the nature of their course and anticipated professional qualifications in the context of the application of sanctions.*

#### Procedural improvements

- *The University should revise the procedure to introduce interim procedural time limits requiring evidence or submissions to be provided to the Student Non-Academic Conduct Committee in advance of a meeting and with sufficient time to allow the committee members to consider any such material.*
- *The University should reconsider whether a student who wishes to be represented (and, in particular, who wishes to have legal representation) at a meeting should be required to obtain permission, and, if so, what criteria should be applied when deciding whether or not to grant permission.*

#### Practical implementation

- *The University should consider whether it is realistic to continue to ask members of staff to undertake investigations into non-academic misconduct alongside other full-time responsibilities. The University should consider whether to appoint specialist investigators to carry out all or some non-academic misconduct investigations.*
- *The University should put in place detailed guidance to assist Investigating Officers.*
- *The University should put in place suitable guidance to assist members of Student Non-Academic Conduct Committees. In due course, the University should develop and maintain a set of practice notes on procedural and practical matters for the benefit of those serving on such committees.*
- *The University should put in place suitable guidance to assist reporting individuals, responding students and their representatives and should work with the SRC in making relevant and up to date information available to students.*

- *The University must ensure that all members of staff adhere to the procedure in the Code of Student Conduct. Where there is scope for resolution at an early stage, that must be done in accordance with the level 1 procedure.*

*Recommendation (10). The University, as a matter of urgency, must put in place measures to support the members of staff handling non-academic student conduct cases and to address the current case management and delay issues. In the longer term, the University must ensure that non-academic student conduct work is sufficiently resourced and that proper strategic management is put in place.*

*Recommendation (11). The University should work with the SRC to expand the capacity of the Student Advice Centre, with the aim of creating a structure allowing the Student Advice Centre to provide advice and support to both a reporting student and a responding student in any case.*

*Recommendation (12). The University should discuss with GUSA, the GUU and the QMU revisal of their conduct procedures to ensure that there is a mechanism for the unions to refer reports of sexual misconduct to be considered within the University conduct procedures. Reports made to the unions of serious sexual misconduct must be referred to the University. The University and the unions, working with the SRC as necessary and appropriate, should seek to reach agreement on the process, having regard to the issues identified in paragraph 9.6.*

*Recommendation (13). The University should keep under review the extent of the use of the online reporting tool by members of staff. Where the University receives information about gender-based violence affecting members of staff from whatever source, care should be taken to record that information appropriately.*

*Recommendation (14). In reviewing the procedures applying to staff and students, and the complaints handling procedure, the University should consider introducing a procedural mechanism to be used in complex cases allowing for (a) a conjoined meeting for relevant members of staff to agree on prioritisation and coordination of procedures, and (b) the appointment of a single investigating officer and the preparation of a composite report.*

*Recommendation (15). The University should keep under review the response times for handling complaints.*

*Recommendation (16). The University should review the provision of training to members of staff relevant to gender-based violence. That should be with a view to balancing the training that the University is best able to provide, in relation to the conduct procedures themselves, with training that best done by those external providers who have specialist expertise.*

# ANNEX A

## Terms of Reference

**The following questions set out the terms of reference for the review:**

- What policies, procedures and support arrangements are in place in the University which address gender-based violence, both in preventing it and in dealing with it when it arises?
- How effective are the University's policies, procedures and support arrangements in dealing with complaints and concerns related to gender-based violence?
- What improvements might be made to the University's policies, procedures and support arrangements in responding to gender-based violence?
- What improvements might be made with a view to reducing gender-based violence?

**In dealing with these issues, I will also be asking these questions:**

- To what extent do students have confidence in the University's policies, procedures and support arrangements in relation to gender-based violence?
- To what extent do staff have confidence in the University's policies, procedures and support arrangements in relation to gender-based violence?

## **ANNEX B**

13 December 2021

### **Review of staff and student procedures and support arrangements in relation to gender-based violence**

**Content Warning: This email content relates to sexual violence. If you would like to access support, without reading further, please follow this link [Dignity at Work and Study Support, Guidance and Reporting](#) - this includes resources on sexual harassment, assault and violence.**

On 29 October 2021 the Principal announced that I had been appointed to undertake a thorough investigation and review of the University's current staff and student procedures and support arrangements in relation to gender-based violence. I would like to let both staff and students know that the preparatory work is underway and to give an indication as to what my further plans will be.

This month I am holding meetings with a number of people, chiefly those in senior positions of responsibility, both within the University administration and as representatives of staff and students. These are preliminary discussions and will help me to form a view as to the nature and scale of the issues to be addressed and the size and shape of the review. With the benefit of these discussions, and also taking account of written material which I need to read, I intend to prepare a detailed plan for the main part of the review, which will begin in January.

At that point, I will be in touch again, both with staff and with students, and I will explain more about the structure of the review and the areas I intend to cover. Also, and very importantly, I will provide further information in the new year about how members of staff and students can contribute to and participate in the review. At this stage, I would like to make it clear that I will welcome communication from anyone who would like to be in touch with me. Your views and your experience are important and I will work hard to find the best ways for you to share them with me. I understand that, for some, there may be some anxiety arising from this process; you have my assurance that I am sensitive to that and will do all that I can to make it straightforward, helpful and confidential.

Morag Ross QC

**25 January 2022**

Sent on behalf of Morag Ross QC

Dear Students,

I have been asked by the Principal of the University to carry out a review of the University's approach to addressing gender-based violence and, in particular, I am looking at the University's current staff and student procedures and support arrangements.

The term 'gender-based violence' is used in a variety of contexts. My working approach is informed by the description of the term used by bodies such as the Scottish Public Health Observatory, which refers to gender-based violence as covering a range of violence and abuse that includes domestic abuse, rape, sexual assault, harassment, commercial sexual exploitation and harmful practices, and as being committed disproportionately by men against women.

In carrying out this investigation and review, I think that it is important for me not to be too constrained and to adopt a broad approach. I am also conscious that violence and abuse exist within a context, in society as a whole and within the University, and that it is important to have an understanding of culture, expectations about behaviour and the level of awareness of and confidence in the systems that exist to deal with complaints and conduct issues. It is, of course, important for me to speak to those within the University who have responsibility for these, but, in addition, I am very keen to hear from any student who has relevant experience or information or who wishes to share concerns or otherwise make representations. This is an open invitation. I am also seeking views from University members of staff.

For this investigation and review to be effective, it is important that I am well-informed and I would like to gather as much information from across the student body as I can. Your participation will help me to understand what the issues are and that will, in turn, help me in making recommendations to the University. If you think that you might be able to contribute then I would encourage you, please, to [get in touch](#). I am especially keen to hear from (i) those who have made complaints and who have experience of the University's processes, (ii) those who have been the subject of complaints, and (iii) those who may have experienced gender-based violence but who have not made a complaint.

You can find out more about the [terms of reference for this investigation and review on the University webpages](#) and the general principles underpinning the process.

I would want to emphasise the following points.

I am independent of the University. I am working with the assistance of David Blair, who is also an advocate and who, likewise, is independent. If you provide information to us in confidence, we will respect that. You are welcome to provide information in writing. If you would like to meet in person, we will make arrangements to do that at a place and time that is convenient for you.

We are open to holding meetings either one-to-one or with groups. If you would like to be accompanied by a friend, that is fine.

If you would prefer to speak by phone or organise a meeting on Zoom or Teams, please let us know.

If you have any questions that you would like to ask before deciding whether you would like to participate, that is fine. Please just let us know.

[You are welcome to get in touch as soon as you are ready.](#) It will assist me in completing this review within a reasonable timescale if all those who wish to submit their views do so by 29 April 2022, although I may also be able to consider views submitted after that date.

I can be contacted at [gcinvestigation@glasgow.ac.uk](mailto:gcinvestigation@glasgow.ac.uk).

Morag Ross QC

25 January 2022

## Investigation and Review Process

In order to answer these [questions \[terms of reference\]](#), I would like to gather as much information as I can from a broad range of people.

Contact Morag Ross QC on [gcinvestigation@glasgow.ac.uk](mailto:gcinvestigation@glasgow.ac.uk)

### General Principles

#### General Principles

I am independent of the University. I have, in the past, provided legal advice to the University but, otherwise, I have no formal or informal connection with the University.

The University has made it clear that I can speak to anyone who wishes to speak to me.

Participating in this process is voluntary. I cannot, and would not wish to, compel anyone to speak to me. I would hope that there is an understanding that in participating in this process and in sharing information with me there will be the opportunity to contribute to improving the University's procedures and support arrangements for both staff and students.

Information can be provided to me in confidence. If anyone wishes to provide information to me in confidence, I will respect that. I would hope, where information is provided in confidence, that will be because there is a good reason for doing so. Generally, it is better for the evidence on which conclusions are based to be shared, but I well understand that in some cases confidentiality will be important. I will only disclose information on the basis of express consent. That is subject to one qualification: if I am given information about a current matter where I am bound to disclose it, for example where there is a serious concern for the welfare of a person or people, or in the interests of preventing criminal activity, then I will do so. In preparing for and carrying out this investigation and review, the University is providing me with valuable administrative assistance and I have the benefit of IT support, including the use of a University email address, to facilitate communication. However, information submitted to me in confidence will not be read by anyone within the University.

Whilst I recognise that some people may wish to provide information or make representations anonymously, I would prefer that those who contact me identify themselves. If it is considered essential to remain anonymous, I would welcome an explanation as to why that is the case.

It is essential that I consider how the University's procedures operate in practice and I have been provided with information relating to specific cases which are of direct relevance to my investigation and review. The purpose of this exercise is not to re-open or review decisions that have been made.

My focus is on current policies, procedures and support arrangements but I am interested in looking at these in context and in understanding how things have changed, or not, in recent years. I am interested primarily in speaking to current students and members of staff but it is also likely to be helpful for me to hear from former students and former members of staff who have relevant recent experience.

The term 'gender-based violence' is used in a variety of contexts. My working approach is informed by the description of the term used by bodies such as the Scottish Public Health Observatory, which refers to gender-based violence as covering a range of violence and abuse that includes domestic abuse, rape, sexual assault, harassment, commercial sexual exploitation and harmful practices, and as being committed disproportionately by men against women. I do not seek to be prescriptive or to define the kinds of examples or types of experience that are likely to be relevant. I am interested in hearing from anyone who wishes to contribute.

The University does not exist in isolation and, within the bounds of reasonableness, I intend to take account of policies, practice and guidance from elsewhere.

My investigation and review will be thorough. Whilst, at the outset, there is no fixed deadline and the timing will depend on the extent of information provided, the process cannot be open-ended. I would envisage being able to carry out the necessary work by the summer of 2022 but that is indicative and I will keep the timescale under review.

I am conscious that, for some, the subject matter may mean that it is difficult to come forward. I will do all that I can to make sure that the process for engaging with this investigation and review is accessible, straightforward and not intimidating. So far as I am able, I will be open and flexible in my approach and I will welcome feedback.

I will adhere to my obligations under the Data Protection Act 2018 and my GDPR policy is available on request.

## **Practicalities**

### ***Assistance***

In carrying out this investigation and review, I have assistance from David Blair. David is a junior advocate and will work with me in meeting people and gathering information. David is also independent of the University and is bound by the same obligations of confidentiality as I am.

In addition, I have administrative and IT support from the University.

### ***Contact***

There is an open invitation to all current and former students and all current and former members of staff who wish to provide me with information and representations. I will welcome information whether provided in writing or orally.

I am open to communication using any suitable means, whether by email or post, in a face to face meeting, or an online meeting, or by telephone.

I can be initially contacted using the email address [qcinvestigation@glasgow.ac.uk](mailto:qcinvestigation@glasgow.ac.uk)

## **Sources of Information**

### **Written material**

I have been provided with and have read a substantial amount of written information, much of which comes from the University. I intend to review this material further and, informed by what I am told by interviewees, to identify what additional written information will be needed.

### **People in positions of responsibility within the University**

I have already had preliminary discussions with some people in positions of responsibility within the University and I expect to have further discussions with those who hold formal responsibilities and who are likely to be in a position to assist me.

### **People with direct experience of complaints and conduct procedures within the University**



I am interested to hear from people who have direct experience, in any capacity, of using the University's procedures in cases involving gender-based violence. I am conscious that, at least for some people, it may be difficult to go over past experience of those procedures. Nevertheless, I would very much welcome the opportunity to speak to those who have made complaints or who have been the subject of complaints.

### **People with other relevant experience**

I will welcome contact from anyone with relevant experience or information. I would be particularly interested in hearing from anyone who has experienced gender-based violence or who has related concerns and who has not reported that or made a complaint.

**19 April 2022**

**Investigation and review: the University's current staff and student procedures and support arrangements in relation to gender-based violence**

Dear University of Glasgow staff,

On 25 January 2022 I issued a message to all University staff with an update in relation to the work I am carrying out in my investigation and review. That also came with an open invitation to contact me and to provide me with information and representations. That message can be found [here](#).

I am very grateful to all those who have made contact with me already. I have met a good number of people, as has David Blair, who is assisting me, and that is proving to be useful and informative. We are still in the process of arranging some meetings and are still gathering information.

In my original message I indicated that it would assist if all those who wished to submit their views did so by 29 April 2022. The end of April is drawing closer. If you would like to contact me or to contribute to this investigation and review, I would encourage you to do that soon. I do not want to impose a rigid cut-off point but it will help me greatly if you could be in touch by 29 April 2022.

I can be contacted at [gcinvestigation@glasgow.ac.uk](mailto:gcinvestigation@glasgow.ac.uk).

Morag Ross QC

19 April 2022

## **A Message from Morag Ross QC**

### **Re: Investigation and review: the University's current staff and student procedures and support arrangements in relation to gender-based violence**

On 25 January 2022 I issued a message to all students with an update in relation to the work I am carrying out in my investigation and review. That also came with an open invitation to contact me and to provide me with information and representations. That message can be found [here](#).

I am very grateful to all those who have made contact with me already. I have met a good number of people, as has David Blair, who is assisting me, and that is proving to be useful and informative. We are still in the process of arranging some meetings and are still gathering information.

In my original message I indicated that it would assist if all those who wished to submit their views did so by 29 April 2022. The end of April is drawing closer. If you would like to contact me or to contribute to this investigation and review, I would encourage you to do that soon. I do not want to impose a rigid cut-off point but it will help me greatly if you could be in touch by 29 April 2022.

I can be contacted at [gcinvestigation@glasgow.ac.uk](mailto:gcinvestigation@glasgow.ac.uk).

Morag Ross QC

19 April 2022

20 October 2022

## An update from Morag Ross KC

Content Advice: The content of this email relates to sexual violence. If you would like to access support, without reading further, please follow this link [Dignity at Work and Study Support, Guidance and Reporting](#) - this includes resources on sexual harassment, assault and violence.

Sent on behalf of Morag Ross KC

Over the course of this year, David Blair and I have had extensive discussions with students and staff at all levels of the University. I am very grateful to all those who have taken the time to speak with us. I have also read a large volume of written material, including both University documents and personal accounts of people with relevant experience as well as material from elsewhere. Again, I am grateful for all contributions. The quality of my report, and the thoroughness of its recommendations, depend in large part on the quality of evidence which I receive. It has been important to take time with those enquiries and to hear from as wide a body of contributors as possible.

My investigations have now substantially reached their conclusion. I am drawing all of the themes and issues arising from those investigations together into my final report. There are a few further discussions I need to have, in order to clarify some matters arising, but I expect to be in a position to provide my report to the University's Principal in the coming weeks.

Morag Ross KC

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**First published: 20 October 2022**

**CODE OF STUDENT CONDUCT****Regulation 33**

The Code of Student Conduct ('this Code') is governed by Resolution No. 670 of the University Court.

**WHAT THIS CODE COVERS**

33.1 The University has a responsibility to provide a safe and fair environment for its students, staff and members of the public. As part of this all students are required to behave acceptably and adhere to the University's rules at all times.

33.2 Students attending Associated Institutions<sup>1</sup> are also expected to abide by the conduct rules of those Institutions (which are published separately). Any misconduct may be considered by either or both institutions, depending on the agreement between the University and the Associated Institution.

33.3 All students, from the point at which they accept an offer from the University, and including students whose studies have been suspended, are subject to this Code in relation to:

- a) the activities they engage in as students of the University, including educational, sporting, cultural, social or other activities, including those that take place while the student is away from the University, for example on field trips;
- b) the services or facilities they access due to being students of the University;
- c) their presence in, or access to, premises owned, leased or managed by the University; and/or
- d) any activity, including digital activity and social media use, not covered by a), b) or c), but which might harm the safety, interests or reputation of the University and its community, negatively impact on visitors to the University or other members of the public, or impact on the student's suitability to remain a registered student.

33.4 Action may, exceptionally, be taken under this Code if misconduct on the part of a former student is alleged, which occurred whilst they were a student at the University. It shall be at the discretion of the Senior Senate Assessor or the Decision Maker for non-academic misconduct whether it is possible or desirable to investigate such allegations given the time elapsed, the availability of evidence, the availability of meaningful sanctions, and the perceived benefit to the University community of taking such action.

33.5 Sanctions against a former student may include the withdrawal of a qualification (in the case of academic misconduct) or refusal to allow re-registration for a further qualification or course at the University.

33.6 This Code is separate from matters of criminal or civil law and does not aim to make findings on matters of law.

**GENERAL PRINCIPLES**

33.7 The University will aim to treat all its students fairly under this Code and to adhere to the principles of natural justice. All students accused of misconduct will be clearly informed of the allegations against them; will have the right to be heard, the right to support and to seek representation and the rights of appeal set out in this Code. Individuals making allegations of misconduct will also have the right to be heard. Glasgow University students making allegations will have the right to receive support. Cases will be considered objectively by investigators and decision makers who are competent and have had no previous involvement in the case. Normally decisions on outcomes and sanctions will be reached having involved more than one person.

33.8 Procedures and sanctions will be proportionate to the misconduct. Academic sanctions will only be directly applied in relation to academic misconduct. Suspension or expulsion are potential sanctions for academic or non-academic misconduct.

33.9 Allegations will be considered in a timely manner. Investigations will be undertaken without undue delay and will be completed to the reasonable satisfaction of the Investigating Officer or Senate Assessor (as the case may be) before the decision is made. All parties will be informed of likely timescales and updated where delays are necessary.

33.10 All parties will be treated with dignity and respect, and implementation of this Code will be sensitive to protected characteristics with reasonable adjustments made if required.<sup>2</sup>

33.11 Involvement in a misconduct case can be difficult for any student and the University will assess risks for all parties when implementing this Code. Students will be reminded of the support available to them from the University Support Services and from the Students' Representative Council (SRC) Advice Centre, as well as forms of external support if needed.

**ROLES IN THIS CODE**

33.12 Roles in this Code are outlined in Annex A.

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<sup>1</sup> Educational institutions with which the University has a formal collaborative arrangement relating to the delivery of learning, teaching or academic supervision.

<sup>2</sup> Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, as described in the Equality Act 2010.

## RELATIONSHIP WITH OTHER UNIVERSITY POLICIES, PROCEDURES AND REGULATIONS

### The Student Contract

33.13 The Student Contract outlines the relationship between the University and all of its students. It links to relevant student regulations including this Code.

### Fitness to Study<sup>3</sup>

33.14 Where there are concerns that a student's conduct may be being affected by their mental or physical health, this will normally be considered initially under the Fitness to Study Procedure.

### Fitness to Practise<sup>4</sup>

33.15 Students registered on certain professional programmes are subject to the Fitness to Practise Procedure. If a School Fitness to Practise Officer, while investigating a Fitness to Practise concern, believes that this Code may apply, they will advise the Head of Student Conduct in writing at [student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk). The Fitness to Practise Officer and the Head of Student Conduct will decide how to proceed. Misconduct within a professional context will normally be considered under the Fitness to Practise Procedure. Misconduct which could also be perpetrated by students on non-professional programmes will normally be considered under this Code. The University may consider the case under both procedures if it believes that both are relevant.

33.16 Other regulations and policies exist separately that cover, for example, the use of IT facilities, Halls of Residence, and so on. Minor breaches of those regulations may be dealt with solely under those policies, but major breaches may be considered under this Code. These regulations and policies include:

Registration and Fee Regulations

Equality and Diversity Policy

Dignity at Work and Study Policy and Procedure

Personal Relationships Policy

Regulations and Code of Conduct for the Use of ICT Facilities in the University of Glasgow

Policy Statement on Students' Recording of Lectures

Plagiarism Statement

Code of Practice on Unacceptable Behaviour

Code of Policy and Procedures for Investigating Allegations of Misconduct in Research

No Smoking Policy Statement

Statement on Alcohol, Drugs and Substance Misuse

Accommodation Policies and Procedures

33.17 The Glasgow University Student Unions,<sup>5</sup> the Student Representatives' Council and the Glasgow University Sports Association are each constitutionally separate from the University of Glasgow and may also have their own conduct regulations.

## WHAT IS MISCONDUCT?

33.18 It is understood that students' behaviour may be affected by some health conditions. However, the University must ensure that students and staff are not subjected to unacceptable behaviour, so concerns relating to inappropriate behaviour will be addressed by the University and may be considered under this Code. Physical or mental health or disability will be taken into account where it might be relevant to the concern raised, in line with the Equality Act 2010. Where behaviour is found to be unacceptable because of a health condition or disability, the University will try to offer appropriate support to help the student manage their condition and may use the Fitness to Study Procedure (see §33.14) rather than considering misconduct under this Code.

33.19 Misconduct means behaviour that falls short of the standard of behaviour expected of a student of the University. There is no definitive list of student conduct offences but the following examples would be regarded as misconduct:

### Academic Misconduct

- a) Cheating or gaining an unfair advantage in an assessment, or attempting to do so, or helping another student to do so. This includes:
- plagiarism from published or online materials, course materials, other students' work, or one's own work previously submitted for assessment at this or another institution;
  - purchasing work or having it produced by any other person or commercial service;

<sup>3</sup> University Regulation 34 – Fitness to Study Procedure.

<sup>4</sup> University Regulation 36 - Procedure for Determining Fitness to Practise.

<sup>5</sup> Glasgow University Union (GUU) and Queen Margaret Union (QMU).

- providing or sharing one's own work with another student to use for assessment, or producing work for another student, or collaboration in the preparation of an assessment unless explicitly permitted (such as with groupwork assignments);
- bringing material or items into an examination that are not permitted, or behaving in a manner that could potentially cause the examination to be compromised:
  - For in person examinations held on campus this could include but is not limited to mobile phones or tablets, smart watches, notes, unauthorised types of calculator, unauthorised types of dictionaries, or annotations on any material or item and is regardless of whether these are brought intentionally or are used during the examination.
  - For online examinations this relates to using materials or devices that are not permitted for online examinations. Schools will advise students in advance about specific instructions relating to online examinations.

b) Engaging in misconduct in research.<sup>6</sup>

c) Academic Behaviour that is likely to render a student unfit to practise the profession to which their degree leads.<sup>4</sup>

#### **Non-academic Misconduct**

d) Engaging in criminal activity. It is a student's duty to inform the University if charged with a criminal offence.

e) Disrupting, or interfering with, any academic, administrative, sporting, social, cultural or other University activity.

f) Preventing, hindering or obstructing any member of the University from carrying out their duties or activities.

g) Behaving in a physically disorderly, threatening, offensive, indecent or violent manner or inciting others to do so.

h) Any form of sexual misconduct.

i) Using threatening, offensive or indecent language, whether expressed orally, in writing, or electronically, including on social media.<sup>7</sup>

j) Behaving in an anti-social way,<sup>8</sup> including in University residences or in the wider community, or in a way that risks the health, safety or welfare of any person, or could cause injury.

k) Discriminating against any person on grounds such as age, disability, gender, gender identity, political or religious beliefs, race, ethnic or national origin, sexual orientation, or socio-economic background.

l) Harassing, bullying or committing hate crimes<sup>9</sup> against any person including on grounds such as age, disability, gender, gender identity, political or religious beliefs, race, ethnic or national origin, sexual orientation, or socio-economic background.<sup>10</sup>

m) Behaving dishonestly by engaging in or facilitating fraud, deception, misrepresentation, or personation (including the falsification or misuse of the University name, documents, or logo).

n) Damaging or vandalising University property or the property of any person.

o) Stealing or misappropriating University property (including funds) or the property of any person.

p) Misusing or making unauthorised use of University premises or property, including misusing IT facilities or safety equipment.

q) Deliberately doing, or failing to do, anything that thereby causes the University to be in breach of a statutory obligation.

r) Possessing, using or supplying a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time).

s) The unlawful possession, use or supply of an offensive weapon.

t) Making false, frivolous, malicious or vexatious complaints (without removing the right to make complaints and raise concerns through formal procedures).

u) Conduct that may harm the University's reputation.

v) Behaviour that is likely to render a student unfit to practise the profession to which their degree leads.

<sup>6</sup> The University's [Code of Policy and Procedures for Investigating Allegations of Misconduct in Research](#) may be referred to during Student Conduct proceedings.

<sup>7</sup> This is based on the principle that people have the right to their own beliefs, but not to engage in activities or acts which interfere with the rights or beliefs of others (for further information see the University's [Equality & Diversity Policy](#)).

<sup>8</sup> Citizens Advice Scotland defines anti-social behaviour as acting in a way that causes or is likely to cause alarm or distress to one or more people in another household. To be antisocial behaviour, the behaviour must be persistent.

<sup>9</sup> The Crown Prosecution Service states that the term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

<sup>10</sup> The definition of bullying and harassment used by the University is set out in the [Dignity at Work and Study Policy](#).

w) Failing to comply with any previously imposed sanction under this Code.

## **COMMUNICATING WITH STUDENTS ABOUT MISCONDUCT**

33.20 All correspondence about misconduct will be sent by email to the student's University email account unless agreed otherwise.

### **Student Liaison Officers**

33.21 The University recognises that some allegations of non-academic misconduct are extremely distressing for the person alleged to have breached conduct regulations ('the Responding Student') and potentially for the person making the allegation. In serious cases, a Student Liaison Officer will be assigned to the Responding Student. If the person making the allegation is also a Glasgow University student ('the Reporting Student'), in serious cases a separate Student Liaison Officer will be assigned to them. The Student Liaison Officer will be assigned as a result of the Risk Assessment process described in §33.28 onwards below.

33.22 The Student Liaison Officers will be the main point of contact for the Reporting Student and Responding Student throughout the conduct process. They will ensure that both students understand the conduct process and are kept well informed about progress and they will help both students to make informed decisions.

## **MISCONDUCT AND THE CRIMINAL LAW**

33.23 Where the University believes or is informed that a criminal offence may have been committed, either on campus or off campus, it may report the matter to the police, regardless of the stage of any investigation or conduct procedure under this Code.

33.24 Where criminal proceedings against a student are ongoing, the University may:

- a) suspend action under this Code until the outcome of those proceedings is known;
- b) postpone making a decision about whether to take action under this Code until the outcome of those proceedings is known;
- c) in exceptional cases, decide to continue or commence action under this Code.

33.25 A student subject to a criminal investigation must keep the University informed of any progress or change in status of the criminal process. The University will endeavour to provide pastoral support to any student subject to criminal investigation as well as to any student who has alleged criminal misconduct, even if the University conduct proceedings are suspended. This support might include access to University student support services, access to a Student Liaison Officer, extensions to academic deadlines, or a leave of absence.

33.26 The University may still take action under this Code for an incident that has been considered by a criminal court, whether or not the student has been found guilty of any criminal offence by the court, but this Code is not intended as a substitute for criminal proceedings.

33.27 Where a student is convicted of a criminal offence, the University will use this information as evidence in conduct proceedings if it is directly relevant to the matter being considered. Any sentence or order imposed by a criminal court may be taken into account in deciding on any sanction to be applied under this Code.

## **RISK ASSESSMENT AND PRECAUTIONARY MEASURES**

33.28 When an allegation of non-academic misconduct is made a risk assessment will be undertaken to assess whether there is a risk of harm (physical or mental) to the individual who has made the allegation or to anyone in the University community, or whether there is a risk to the University's property or activities.

33.29 This risk assessment will be undertaken by a Risk Assessment Group which will comprise a senior member of staff from the Student Conduct Team, a representative from Student Services, a representative from the University Security team and a Case Manager

33.30 The Risk Assessment Group will decide whether a Student Liaison Officer should be assigned to the Responding Student and also, if applicable, to the Reporting Student.

33.31 Based on the outcome of the risk assessment, and pending the outcome of any criminal proceedings, the Clerk of Senate, Chief Operating Officer, or nominee, has the authority to take precautionary measures, with immediate effect, pending further investigation under this Code. The Responding Student will be informed of the decision, and the reasons for the decision, in writing. These measures may include, amongst other things:

- a) a non-contact order between students;
- b) limiting or removing access to University activities, services or facilities;
- c) temporary exclusion from all or part of University accommodation (to the extent permitted by the relevant accommodation contract); and/or
- d) precautionary suspension from the University.



33.32 Precautionary measures pending an investigation are not a finding of misconduct, nor a formal conduct sanction. Depending on the circumstances of the case, the Clerk of Senate, Chief Operating Officer, or nominee, may decide that a Responding Student can:

- a) continue with their studies off campus; and/or
- b) submit assessments or attend examinations under prescribed conditions.

33.33 The Clerk of Senate, Chief Operating Officer, or nominee, shall review precautionary measures:

- a) routinely every month;
- b) where the University is notified of a material change to the Responding Student's circumstances; and
- c) on request from the Responding Student if there is evidence that the measures were imposed based on factual error.

Such requests must be made in writing to the Head of Student Conduct at [student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk) and should include submission of evidence relating to the factual error concerned.

33.34 All such reviews will not involve a meeting but the Responding Student is entitled to submit written representations. Where precautionary measures are changed or lifted, the student will be notified in writing.

## GENERAL CONDUCT PROCEDURES

33.35 There are separate procedures for academic and non-academic misconduct which are described below. Where a student is accused of academic and non-academic misconduct, the Head of Student Conduct will advise whether it will be possible to consider the case under one of these procedures or whether the misconduct should be considered under both procedures.

### Referrals

33.36 Allegations of academic or non-academic misconduct can be submitted by any Glasgow University student or staff member and this may be done via a student representative or other staff member. Allegations of misconduct may also be made by members of the public. Reports should be made in writing to the Head of Student Conduct at [student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk) who will refer the allegation to the Senior Senate Assessor for allegations of academic misconduct, or to an Investigating Officer for allegations of non-academic misconduct.

33.37 The University will not normally take action under this Code in response to an anonymous allegation of misconduct. In some cases, where appropriate and where possible, the identity of a Reporting Individual will not be disclosed to the Responding Student or any party involved in the decision-making under this Code. It will be at the discretion of Head of Student Conduct as to whether the identity of the Reporting Individual will be anonymised within the procedure of this Code. In exercising this discretion, factors that may be taken into account include the seriousness of the allegation, the credibility of the allegation, the likelihood of being able to conduct a full investigation and the reason(s) given by the Reporting Individual for requesting anonymity.

### Time Frames

33.38 Conduct procedures will proceed without undue delay and will not normally take more than 60 working days<sup>11</sup> from the start of the investigation into an allegation to the conclusion of any appeal meeting. Extensions to this timescale may be required if, for example, the case is particularly complex, there is a related criminal investigation or prosecution, because of delays caused by the Reporting Individual or the Responding Student, or other circumstances beyond the reasonable control of the University. All parties will be informed of likely timescales and updated where delays are necessary.

### Confidentiality

33.39 The University will treat allegations of misconduct, and sanctions applied, confidentially except where it is considered by the University to be necessary to share information within the University or with external organisations to enable the University to:

- a) investigate the allegation;
- b) report or assist in the investigation of a crime;
- c) fulfil its safeguarding duties; and/or
- d) comply with its legal and/or contractual obligations (for example, to regulators or professional bodies).

Details of misconduct and sanctions will not be published on the student's degree transcript (Higher Education Achievement Report) and will not normally be divulged in references unless specifically requested by the individual or organisation requesting the reference.

The Student Liaison Officer (see §33.21 - §33.22 above) will discuss any potential sharing of information with the Responding Student or Reporting Individual in advance. All attendees will be reminded that the details of meetings under this Code should be treated as confidential.

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<sup>11</sup> For the purposes of this Code, Monday to Friday are counted as working days except when the University is closed for a Public Holiday (as listed at <https://www.gla.ac.uk/myglasgow/humanresources/all/worklife/public/holidays/public/>) or other reason. Saturdays and Sundays are not counted as working days.

33.40 Details of decisions of the Senate Assessors, the Decision Maker for non-academic misconduct, and Conduct and Appeal Committees are held confidentially in Academic Services. Details of decisions, including sanctions, will be circulated to relevant University or Student Union, SRC or GUSA officers on a need-to-know basis to implement the decisions.

33.41 Once a decision has been reached on the case, and if the Reporting Individual is a student or member of staff, they will normally receive a written notification that the matter was dealt with under the University Code of Student Conduct and noting whether the Responding Student was found to have committed misconduct.

#### **Standard of Proof**

33.42 The standard of proof at each stage of the procedures under this Code will be “on the balance of probabilities” (rather than “beyond reasonable doubt”). This means that, for each event or incident, the Decision Maker must be satisfied, on the evidence available, that it is more likely than not that the event or incident occurred.

#### **Reasonable Behaviour**

33.43 All individuals involved in a procedure under this Code, including the Responding Student and their companion (if any), must communicate and act respectfully and reasonably and in accordance with this Code and with the University’s Code of Practice on Unacceptable Behaviour.<sup>12</sup> Staff with responsibilities under this Code may halt proceedings and refer to the Head of Student Conduct if they consider that an individual has failed to comply with this expectation. Under these circumstances, the Clerk of Senate has the authority to exclude any individual from any part of the procedures under this Code with the advice of the Head of Student Conduct.

#### **Right to be Accompanied or Represented**

33.44 Responding Students, Reporting Individuals and witnesses (if they are members of staff or Glasgow University students) are entitled to be accompanied to meetings under this Code by a family member, a fellow student or friend, an Adviser from the Students’ Representative Council (SRC) Advice Centre, or a member of University staff, provided that the accompanying individual is not also a witness. Reporting Individuals and witnesses who are not members of staff or Glasgow University students are entitled to be accompanied to meetings by a family member or friend, provided that the accompanying individual is not also a witness. The role of the accompanying individual is to provide support and guidance to the person they are accompanying to the meeting. The accompanying individual shall not disrupt the proper conduct of the meeting.

33.45 The Responding Student will normally be expected to speak for themselves.

33.46 With the permission of the Senate Assessor, Investigating Officer, Decision Maker, or Convener of a Conduct Committee or Appeal Meeting, as appropriate, the Responding Student may be represented by the person accompanying them and the person may speak on their behalf. Permission must be requested in advance and reasons given to explain why the Responding Student requires a representative to speak for them.

33.47 The Responding Student must inform the Head of Student Conduct ([student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk)) at least five working days<sup>11</sup> before the relevant meeting of the name of any person who may attend to accompany or represent them.

33.48 If the Responding Student wishes to be accompanied or represented by a person not listed in §33.44 above, the student must make a request in writing to the Head of Student Conduct ([student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk)) at least five working days<sup>11</sup> before the meeting. The Head of Student Conduct will consult the Director of Academic Services or their nominee before deciding whether to permit such alternative support or representation.

#### **Failure to Appear at a Meeting**

33.49 If a Responding Student does not attend a meeting scheduled under this Code on the scheduled date and has not advised of medical or other grounds that prevent attendance, the matter may be dealt with in the student’s absence if the student has received the stated period of notice of the meeting. If the allegation is found to be established, an appropriate sanction will be applied and the student will be notified of the outcome in writing.

#### **Allegations Against More than one Student**

33.50 Where an allegation is made against more than one Responding Student for the same offence, all of the Responding Students will be given an equal opportunity to respond. The Head of Student Conduct will advise on whether the Responding Students should be interviewed together or separately. Responding Students will have the opportunity to speak with the Senate Assessor(s), Investigating Officer and/or Senate Student Conduct Committee privately if there are confidential or sensitive matters that they wish to raise. Decisions on outcomes will be made for each Responding Student individually.

#### **Meeting Arrangements and Written Submissions**

33.51 The Senate Assessors or the Investigating Officer for non-academic misconduct shall meet with a Responding Student either in person or virtually (e.g., online) or may accept a written statement from the Responding Student instead of meeting with them. The written statement shall be considered in the same way as an oral statement.

33.52 In exceptional circumstances, for example where the Responding Student is overseas or unwell, or the parties are otherwise prevented from meeting physically, Conduct Committee and Appeal meetings may take place online if agreed by the Convener, with the advice of the Head of Student Conduct.

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<sup>12</sup> University Regulation 37 - Code of Practice on Unacceptable Behaviour.

33.53 All meetings under this Code, where Responding Students and/or Reporting Students are present, will include at least two representatives from the University unless there are exceptional circumstances and all parties agree that the meeting may proceed with only one University officer in attendance.

#### **Records of Misconduct and related Meetings**

33.54 A written record of the meetings with Senate Assessors and of Conduct and Appeal Committee meetings will normally be shared with the Responding Student within 10 working days<sup>11</sup> of the meeting. Reports of Investigating Officers for non-academic misconduct will normally be shared with the Responding Student within 10 working days of the outcome agreed by the Decision Maker for non-academic misconduct.

33.55 Records of student conduct correspondence, risk assessments and meetings are kept for at least six academic sessions after the incident under investigation, and for the remaining duration of the student's registration with the University if this is longer.

#### **Electronic Recordings**

33.56 Any unauthorised electronic recording of meetings held under this Code is expressly forbidden by the University. Electronic recordings may be authorised in some circumstances, e.g., as a reasonable adjustment relating to disability.

#### **Reports to Senate**

33.57 The following reports will be presented to Senate annually:

- a) an Annual Report stating the number and types of misconduct reported, and the outcomes; and
- b) an Annual Report stating the number and types of appeals heard by the Conduct Appeal Committees.

#### **Re-consideration of an Allegation**

33.58 A Responding Student cannot normally be considered twice in respect of the same allegation under this Code. Exceptionally, the Clerk of Senate may allow this if new substantive evidence becomes available. The factors in making the decision to consider a case again will include the time elapsed, the severity of the offence, the impact on the student(s) concerned and any possible impact on fitness to study or fitness to practise.

#### **Procedures for Conduct and Appeal Meetings**

33.59 At least 10 working days<sup>11</sup> before a Conduct Committee or Appeal Committee meeting, the Clerk of the Committee will send the Responding Student notice of the meeting and send them the papers for the meeting including details of the allegation (in the case of Conduct Committees) to give the student reasonable time to prepare.

33.60 The Committee may accept a written statement from the Responding Student as evidence instead of the Responding Student or their representative attending the Committee meeting.

33.61 The Committee will rely only on evidence, presented verbally or in writing, at the meeting in making their decision.

33.62 The Committee may adjourn the meeting and delay making a decision where it is decided that further investigation into the allegation(s) is needed.

33.63 If the members of the Committee cannot agree on an outcome, the decision will be that of the majority of its members. The Convener will have a casting vote if there is not a majority view.

#### **Student Safeguarding and Wellbeing**

33.64 The Convener of each Committee may take such steps as they consider necessary to support the wellbeing and participation of the Responding Student and any witness. This may include, amongst other things, requiring that all questioning be conducted through the Convener; the use of technology or physical barriers to remove direct line of sight between the Responding Student and a witness; and seeking to ensure that questioning by any party is appropriate. In exceptional circumstances, the Convener may not permit the Responding Student and/or their representative to question a witness directly where there are concerns for their wellbeing. The arrangements to support wellbeing will normally be agreed in advance of the meeting and all attendees will be notified in advance. Where required, the Student Liaison Officer will discuss the arrangements for safeguarding with the Responding and/or Reporting Student.

### **ACADEMIC CONDUCT PROCEDURES**

#### **Senate Assessors for Student Academic Conduct**

33.65 The Senate shall appoint a minimum of five Senate Assessors for Student Academic Conduct ('the Senate Assessors'), to consider cases and take disciplinary action. The Senate Assessors take the role for four years, and the Senate appoints a Senior Senate Assessor from amongst the Senate Assessors. None of the Senate Assessors are members of the Senate Student Academic Conduct Committee. The duties of the Senior Senate Assessor can be performed by any of the Senate Assessors, if required.

#### **Resolution by Mutual Agreement**

33.66 If the Responding Student admits to the alleged academic misconduct and the Head of Student Conduct feels that a mutually agreed resolution may be possible, then the academic misconduct may be resolved by mutual agreement.

33.67 The Responding Student will be informed of the allegation in writing, given a reasonable opportunity to respond, and notified of a potential sanction in writing. If the Responding Student agrees, the sanction will be confirmed in writing by the Senate Assessors. Examples of mutually agreed sanctions that may be applied are outlined in Annex B.

## **Local Resolution**

33.68 Cases of suspected plagiarism concerning undergraduate non-honours students that are first offences, are not associated with formal on-campus examinations, and are not considered to be extensive will be dealt with by the Head of School or their nominee (hereinafter referred to as Head of School) under the University's Plagiarism Statement. All other cases will be considered under this Code.

### **Level 1 Resolution – Summary Decision**

#### ***Allegation that a student has engaged in academic misconduct***

33.69 Before interviewing a Responding Student accused of academic misconduct, the Senate Assessors are entitled to carry out appropriate investigation into the allegation(s) based on the evidence provided by the Reporting Individual and the Responding Student. This might include interviews with the person who reported the allegation(s) and with other students and staff. At least two Senate Assessors will undertake the investigation and they will be advised and assisted by the Student Conduct Team as appropriate. The Senate Assessors will have had no previous involvement in the case. The Senate Assessors may decide, after investigation, not to take the matter further or to interview the Responding Student using the Procedure at Level 1.

33.70 If the allegation(s) is considered to be more serious (having regard to the examples given in Annex B), the Senior Senate Assessor can decide with another Senate Assessor to refer the case directly to Level 2 for a full meeting of the Senate Student Academic Conduct Committee.

#### ***Procedure at Level 1***

33.71 The Responding Student will normally be required to attend a meeting with two Senate Assessors to respond to the allegation(s), to admit or deny responsibility and, if they admit responsibility, to explain their behaviour or offer information that may be relevant in deciding a sanction.

33.72 The Responding Student will be given notice (normally seven days) of the meeting and provided with the details of the allegation and a copy of the Conduct procedures in advance. The student will also be told how to access advice and support, for example from the SRC Advice Centre.

#### ***Outcome at Level 1***

33.73 At the conclusion of the meeting the Senate Assessors may:

- a) dismiss the allegation of misconduct and advise that no further action should be taken;
- b) carry out further investigation as permitted in §33.69;
- c) impose a sanction in accordance with Annex B;
- d) refer the matter to the Senate Student Academic Conduct Committee.

33.74 The relevant School will be informed by the Student Conduct Team of any academic sanction imposed by the Senate Assessors. The School will inform the Board of Examiners, which cannot review or change the sanction imposed by the Senate Assessors.

33.75 The Senate Assessors will normally tell the Responding Student the outcome of the interview at the end of the meeting, and the outcome will normally be confirmed in writing within 10 working days.<sup>11</sup> This letter will outline the right to and timeline for appeal and how to access advice and support if needed.

33.76 The Responding Student has the right of appeal against the decision of the Senate Assessors including any sanction imposed. The procedures are set out under §33.106 - §33.118.

#### ***Misconduct which is more serious***

33.77 The Senate Assessors at Level 1 shall refer the matter to the Senate Student Academic Conduct Committee under Level 2 of this Code if they decide that the Responding Student has committed misconduct which (having regard to the examples given in Annex B), may be more serious than can be considered at Level 1.

### **Level 2 Resolution: Senate Student Academic Conduct Committee**

33.78 The Senate Student Academic Conduct Committee ('the Committee') is appointed by the Senate. The Committee membership is:

- Convener (appointed by Senate);
- College representatives (members of or nominated by Senate);
- Student member (the President of the Students' Representative Council or another SRC sabbatical officer).

At least three members of the Committee must be present at any meeting, including the Convener and at least one College member. Reasonable steps will be taken to include a student member on the Committee. Other staff members may be co-opted where appropriate. No member of the Committee will have had direct or previous involvement with the Responding Student or work directly within the area where any alleged misconduct took place.

33.79 The Senate Assessors will give the Committee a written report of the case, and a copy will be sent to the Responding Student before the meeting.

33.80t The Head of Student Conduct must be notified of any witnesses who may attend at least five working days<sup>11</sup> before the meeting, at [student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk).

33.81 At the hearing:

- a) The Convener of the Committee will introduce all present, confirm whether the Responding Student will be represented by another person, explain the purpose of the meeting and explain any measures in place to protect the wellbeing of the Responding Student and any witnesses (such as those referred to in §33.64). The Convener may impose time limits on presentations and statements and will remind all attendees that the details of the meeting should be treated as confidential.
- b) The Senate Assessor will present the allegation(s) against the Responding Student. The Senate Assessor will present the findings of any investigation calling witnesses as appropriate.
- c) The Responding Student (or representative) will be invited to respond to the allegation(s) presented by the Senate Assessor and may call witnesses, as appropriate. The Responding Student will be invited to state whether they admit or deny the allegation(s).
- d) The Committee may ask questions of the Responding Student, their representative or supporter, the Senate Assessor and any witnesses.<sup>13</sup>
- e) Through the Convener, the Responding Student (or their representative) may ask questions of the Senate Assessor and witnesses, subject to any alternative arrangements agreed as outlined in §33.64.
- f) Through the Convener, the Senate Assessor may ask questions of the Responding Student and witnesses.
- g) The Committee may at any time seek additional evidence or information from other parties at the meeting.
- h) The Convener will invite the Senate Assessor and the Responding Student (or their representative) to sum up.
- i) If the Responding Student admits the allegation(s) they will be invited to give an explanation of the misconduct and advise the Committee of any information that might be relevant in deciding on a sanction.
- j) If the Responding Student denies the allegation(s), the Committee will decide, on the balance of probabilities, whether the Responding Student has committed the alleged misconduct.

33.82 If the Committee decides that the Responding Student has committed misconduct, they will, in a private meeting, agree on the appropriate sanction in accordance with Annex B.

33.83 The decision of the Committee is normally given verbally at the end of the meeting. The Responding Student will normally be notified of the Committee's decision formally within 10 working days<sup>11</sup> of the meeting. This letter will outline the right to and timeline for appeal and how to access advice and support if needed.

33.84 The Responding Student has the right of appeal against the decision of the Committee including any sanction imposed. The procedures are set out under §33.106 - §33.118.

## **NON-ACADEMIC CONDUCT PROCEDURES**

### **Resolution by Mutual Agreement**

33.85 If the Responding Student admits to the alleged misconduct and the Head of Student Conduct feels that a mutually agreed resolution may be possible, then the misconduct may be resolved by mutual agreement without any investigation under this Code.

33.86 The Responding Student will be informed of the allegation in writing, given a reasonable opportunity to respond, and notified of a potential sanction in writing. If the Responding Student agrees, the sanction will be confirmed in writing by the Head of Student Conduct. Examples of mutually agreed sanctions are outlined in Annex B.

### **Local Resolution**

33.87 Local resolution of minor non-academic misconduct may take place in the residences and in relation to ICT facilities with more serious misconduct issues referred to this Code. The Wardens, the Head of Student Engagement, the Head of Accommodation Operations, and the Director of IT Services have the authority to take actions under local regulations. See §33.13 - §33.17.

### **Resolution Following Investigation Under This Code**

#### ***Investigating Officers***

33.88 The University will appoint an Investigating Officer to consider cases of non-academic misconduct. The Investigating Officer will have had no previous involvement in the case.

33.89 The Investigating Officer will normally meet with the Responding Student to allow them to respond to the allegation, to admit to or deny responsibility and, if they admit responsibility, to explain their behaviour or offer information that may be relevant in deciding a sanction.

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<sup>13</sup> The Convener will ensure that any questioning by any party is appropriate and will not permit any questioning which is deemed to be vexatious, harassing, or irrelevant to the case.

33.90 The Responding Student will be given notice of the meeting and be provided with the details of the allegation and a copy of this Code in advance. The Responding Student will also be told how to access advice and support, for example from the SRC Advice Centre.

33.91 The Investigating Officer will normally also meet with the person making the allegation and may meet with other students or staff and consider documents or other evidence relevant to the case.

33.92 The University does not have legal investigatory powers and can only investigate whether there has been a breach of this Code. A University investigation is not a substitute for a police investigation.

33.93 The Investigating Officer will write a report which outlines the process followed, the information gathered in their investigation and their conclusions.

#### **Level 1 – Summary Decision**

33.94 The Investigating Officer will refer their report to the Decision Maker who will be the Director of Academic Services or their nominee. The Decision Maker will:

- a) dismiss the allegation of misconduct and advise that no further action should be taken;
- b) request further investigation as permitted in §33.88 - §33.93;
- c) impose a sanction in accordance with Annex B; or
- d) refer the matter to the Senate Student Non-Academic Conduct Committee.

33.95 The Responding Student will be sent written notification of the outcome which will comprise the report of the Investigating Officer, together with any additional deliberations, reasoning and conclusions of the Decision Maker, within 10 working days<sup>11</sup> of the referral to the Decision Maker. This letter will outline the right to and timeline for appeal and how to access advice and support if needed.

33.96 The Responding Student has the right of appeal against the decision including any sanction imposed by the Decision Maker. The procedures are set out under §33.106 - §33.118.

#### **Misconduct which is more serious**

33.97 The Decision Maker at Level 1 shall refer the matter to the Senate Student Non-Academic Conduct Committee under Level 2 of this Code if they decide that the allegation of misconduct (having regard to the examples given in Annex B), may be more serious than can be considered at Level 1. Any Responding Student whose case is to be considered at Level 1 (Summary Decision) has a right to request that their case is heard by a conduct committee if they want the opportunity to present their case to a committee.

#### **Level 2: Senate Student Non-Academic Conduct Committee**

33.98 The Senate Student Non-Academic Conduct Committee ('the Committee') is appointed by Senate. The Committee membership is:

- Convener (appointed by Senate);
- Members of University staff<sup>14</sup> (members of or nominated by Senate);
- Student member (the President of the Students' Representative Council or another SRC sabbatical officer).

At least four members of the Committee must be present at any meeting, including the Convener and at least two senior University staff who have not previously been involved in the misconduct case in question and who do not work directly within the area where the alleged offence took place. All reasonable steps will be taken to include a student member in the Committee (the President of the Students' Representative Council or another SRC sabbatical officer). Other staff members may be co-opted where appropriate.

33.99 The Decision Maker at Level 1 will give the Committee a written report of the case, consisting of the Investigating Officer's report and a note of their own deliberations, reasoning and conclusions.

33.100 The Committee will invite the person who has made the allegation to all or part of the meeting as a witness and may interview other witnesses. The Responding Student may invite witnesses to the meeting with the permission of the Convener. The Head of Student Conduct must be notified at [student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk), of any witnesses who may attend at least five working days<sup>11</sup> before the meeting.

33.101 At the meeting:

- a) The Convener of the Committee will introduce all present, confirm whether the Responding Student(s) will be represented by another person, explain the purpose of the meeting, and explain any measures in place to protect the wellbeing of the Responding Student(s) and any witnesses (such as those referred to in §33.64). The Convener may impose time limits on presentations and statements and will remind all attendees that the details of the meeting should be treated as confidential.
- b) The Investigating Officer will present the allegation(s) against the Responding Student. They will call witnesses as appropriate. The Committee may also invite the Decision Maker at Level 1 to the meeting if considered necessary.

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<sup>14</sup> Staff from Research & Teaching or Management Professional & Administrative [MPA] Job Families (MPA staff will normally be at Grade 9 or 10).



- c) The Responding Student (or representative) will be invited to respond to the allegation(s) and may call witnesses, as appropriate. The Responding Student will be invited to state whether they admit or deny the allegation(s).
- d) The Committee may ask questions of the Responding Student, the Responding Student's representative or supporter, the Investigating Officer and any witnesses, including the reporting individual.<sup>13</sup>
- e) Through the Convener, the Responding Student (or their representative) may ask questions of the Investigating Officer, the Decision Maker at Level 1, if present, and witnesses, subject to any alternative arrangements agreed as outlined in §33.64.
- f) The Committee may at any time seek additional evidence or information from other parties at the meeting.
- g) The Convener will invite the Investigative Officer and the Responding Student (or their representative) to sum up.
- h) If the Responding Student admits the allegation(s), they will be invited to give an explanation of the misconduct and advise the Committee of any information that might be relevant in deciding on a sanction.
- i) If the Responding Student denies the allegation(s), the Committee will decide, on the balance of probabilities, whether the Responding Student has committed the alleged misconduct.

33.102 If the Committee decides that the Responding Student has committed misconduct, they will agree on the appropriate sanction in accordance with Annex B.

33.103 The decision of the Committee is normally given verbally at the end of the meeting. The Responding Student will be notified of the outcome of the Committee's deliberations formally within 10 working days<sup>11</sup> of the meeting. This letter will outline the right to and timeline for appeal and how to access advice and support if needed.

33.104 The Responding Student has the right of appeal against the decision of the Committee including any sanction. The procedures are set out under §33.106 - §33.118.

## **APPEALS PROCEDURES**

33.105 The appeals procedures for decisions made under this Code are set out below along with the appeal process for sanctions imposed under other conduct regulations.

### **Appeal Against Student Conduct Decisions**

33.106 A Responding Student may appeal to the Senate Student Conduct Appeal Committee (the "Committee") against a decision or sanction imposed by the Senate Assessors, the Decision Maker for non-academic misconduct, the Senate Student Academic Conduct Committee or the Senate Student Non-Academic Conduct Committee.

33.107 The Committee will be convened by the Clerk of Senate. The Committee will be appointed by Senate and will be made up of at least two other senior University staff who have not previously been involved in the misconduct case in question and who do not work directly within the area where the alleged offence took place. All reasonable steps will be taken to include a student member in the Committee (the President of the Students' Representative Council or another SRC sabbatical officer). Other staff members may be co-opted where appropriate. If the Clerk of Senate has had prior involvement with the case, an alternative convener of equivalent seniority (i.e., a Vice Principal) will be appointed. The Committee has full powers to decide the appeal and will report its decision to Senate.

33.108 The Responding Student must appeal in writing to the Director of Academic Services at [student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk) within 10 working days<sup>11</sup> of the date of the letter advising of the original decision.

33.109 The Committee shall consider an appeal only on the following grounds:

- a) the Responding Student has new material evidence<sup>15</sup> that they were unable, for valid reasons, to provide earlier in the process and which evidence is likely to have had a material bearing on a decision at the earlier stage;
- b) the procedures set out in this Code have not been followed, to the material detriment of the Responding Student;
- c) the finding of misconduct or sanction(s) imposed at the earlier stage was clearly unreasonable.

33.110 If the appeal does not meet any of these grounds or the appeal is out of time, the Clerk of Senate, in consultation with another member of the Committee may dismiss the appeal.

33.111 The letter of appeal must clearly specify any new evidence, describe how the procedure was defective, or explain why the outcome was unreasonable. If new evidence is submitted, it must be explained why this could not have reasonably been produced at the earlier stage. The letter should also specify the outcome the Responding Student seeks.

33.112 An appeal against a conduct decision normally means that the sanction imposed is not imposed while the appeal is being considered. However, the Clerk of Senate has the right to maintain the sanction, if the Senate Assessors, the Decision Maker for non-academic misconduct, or the Convener of the original Conduct Committee recommend this. In such cases the Clerk of Senate will inform the Responding Student of this decision and the reasons for it. This provision does not apply to a suspension applied as a precautionary measure under §33.31 of this Code which will remain in place until any appeal has been decided.

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<sup>15</sup> Material evidence is that which is relevant and significant as opposed to trivial or irrelevant to the case.

33.113 The Senate Assessor, the Decision Maker for non-academic misconduct, or the Convener of the original Conduct Committee, as applicable, will receive a copy of the letter of appeal and will provide the Committee with a written statement of the circumstances of the case.

33.114 The Senate Assessor, the Decision Maker for non-academic misconduct, or the Convener of the original Conduct Committee, as applicable, may be invited to the appeal meeting to defend their decision. The Investigating Officer for Non-Academic Misconduct may be invited to attend as a witness. The Head of Student Conduct must be notified of any witnesses or advisers who may attend at least five working days<sup>11</sup> before the meeting.

33.115 At the meeting:

- a) the Convener will introduce all present, confirm whether the Responding Student(s) will be represented by another person, explain the purpose of the meeting and explain any measures in place to protect the wellbeing of the Responding Student(s) (such as those referred to in §33.64). The Convener may impose time limits on presentations and statements and will remind all attendees that the details of the meeting should be treated as confidential;
- b) the Convener will invite the Responding Student (or their supporter or representative) to make a statement and the Senate Assessor, Decision Maker for non-academic misconduct, or the Convener of the original Conduct Committee to comment;
- c) the Committee may question the Responding Student, or where appropriate their representative, the Senate Assessor, the Decision Maker for non-academic misconduct, or the Convener of the original Conduct Committee, as applicable, and any witnesses;

33.116 The Committee may set aside, change, or uphold the decision and/or any sanction originally imposed.

33.117 The Responding Student will be issued with a Completion of Procedures letter, which will include the outcome of the Committee's deliberations within 10 working days<sup>11</sup> of the appeal meeting.

33.118 The decision of the Conduct Appeal Committee is final and there is no further opportunity for appeal against that decision within the University. Paragraph 33.128 outlines the role of the Scottish Public Services Ombudsman (SPSO).

#### **APPEAL PROCEDURE FOR SANCTIONS IMPOSED FOR MISCONDUCT UNDER THE PLAGIARISM STATEMENT OR OTHER REGULATIONS SET OUT IN §33.16**

33.119 A student may appeal against a finding of misconduct or sanction imposed by a Head of School under the Plagiarism Statement, or by another university officer as set out in §33.16.

33.120 The student must appeal in writing to the Head of Student Conduct at [student-conduct@glasgow.ac.uk](mailto:student-conduct@glasgow.ac.uk) within 10 working days<sup>11</sup> of the date of the letter advising of the finding and any sanction being appealed against.

33.121 An appeal will only be considered on the following grounds:

- a) the student has new material evidence<sup>15</sup> that the student was unable, for valid reasons, to provide earlier in the process and which evidence is likely to have had a material bearing on a decision at the earlier stage;
- b) the procedures set out in the Plagiarism Statement have not been followed, to the material detriment of the student;
- c) the finding of misconduct or sanction(s) imposed under the Plagiarism Statement was clearly unreasonable.

33.122 The letter of appeal must provide details of the finding and any sanction that is being appealed, and clearly specify any new evidence, describe how the procedure was defective or explain why the sanction was clearly unreasonable. If new evidence is submitted, it must be explained why this could not have reasonably been produced at the earlier stage. The letter should also specify the outcome the student seeks.

33.123 The appeal will be considered by the Senior Senate Assessor, with one other Senate Assessor, or by the Decision Maker for non-academic misconduct, with the Head of Student Conduct, for non-academic misconduct. They may decide to:

- a) dismiss the appeal because it does not meet any of the grounds specified in §33.121 (a)-(c), or because the appeal is frivolous or vexatious, or because the appeal is out of time;
- b) uphold the appeal, if the appeal meets at least one of the grounds specified in §33.121 (a)-(c), and the Senate Assessors or Decision Maker are satisfied with the case for appeal;

33.124 The Senate Assessors or Decision Maker for non-academic misconduct may wish to meet with the student and/or with the Head of School or other officer responsible for the decision and any sanction being appealed against.

33.125 In deciding on the appeal, the Senate Assessors or Decision Maker for non-academic misconduct may set aside, change, or uphold the decision and any sanction imposed by the Head of School or other officer.

33.126 The student will be informed of the outcome of the appeal in writing within 10 working days<sup>11</sup> of consideration by the Senate Assessors or Decision Maker for non-academic misconduct.

33.127 The decision of the Senate Assessors or Decision Maker for non-academic misconduct is final and there is no further opportunity for appeal against that decision within the University. Paragraph 33.128 outlines the role of the Scottish Public Services Ombudsman (SPSO).



## INDEPENDENT EXTERNAL REVIEW

33.128 In accordance with the Further and Higher Education (Scotland) Act the Scottish Public Services Ombudsman (SPSO) has responsibility for investigating complaints relating to universities. This can include complaints about student conduct procedures.

The SPSO's contact details are:

Post: Freepost SPSO

Freephone 0800 377 7330

Online contact: <https://www.spsso.org.uk/contact-us>

Website: <https://www.spsso.org.uk/>

Mobile site: <http://m.spsso.org.uk/>

## ANNEX A

### ROLES IN THE STUDENT CODE OF CONDUCT

#### Student/Individual Roles

Reporting Individual	A person who makes an allegation of misconduct against a student. The reporting individual may or may not be a student.
Reporting Student	A Reporting Individual who is also a registered student of the University of Glasgow.
Responding Student	The student against whom the allegation is made and who must respond to the allegation.

#### University staff Roles/Groups

The individuals appointed to roles may nominate another person to carry out all or part of their responsibilities under this Code. Such persons must have similar levels of experience and expertise.

Clerk of Senate	<ul style="list-style-type: none"><li>Oversees this Code on behalf of Senate, in consultation with the Student Conduct Team.</li><li>Determines precautionary measures to be taken based on a risk assessment by the Risk Assessment Group.</li><li>Has the authority to exclude any individual from any part of the procedures under this Code, with the advice of the Head of Student Conduct, if they behave unreasonably.</li><li>Decides whether a student may be allowed to re-register or graduate while conduct proceedings are ongoing.</li><li>Decides whether a Responding Student can be considered twice in respect of the same allegation under the Code, if new substantive evidence becomes available.</li><li>Acts as Convener of the Conduct Appeal Committee (unless excluded due to prior involvement in the matter).</li><li>Determines whether there are grounds for appeal and whether the appeal has been made within required timescales.</li><li>Determines whether any sanctions should remain in place during the appeal process.</li></ul>
Senior Senate Assessor for Student Academic Conduct	<ul style="list-style-type: none"><li>May undertake any of the duties of a Senate Assessor.</li><li>Receives academic misconduct allegations from the Student Conduct Team.</li><li>Decides (with another assessor) whether an academic conduct allegation is sufficiently serious to refer straight to a Senate Academic Misconduct Committee.</li><li>Considers appeals, with another Assessor, against sanctions imposed for misconduct under the Plagiarism Statement.</li></ul>
Senate Assessor for Student Academic Conduct	<ul style="list-style-type: none"><li>May undertake any of the duties of the Senior Senate Assessor.</li><li>Decides whether it is possible or desirable to investigate allegations of academic misconduct against former students.</li><li>Investigates whether there has been academic misconduct.</li><li>Decides whether a person accompanying a Responding Student to a meeting may speak on their behalf.</li><li>Determines sanction(s) to be applied to misconduct at Level 1.</li></ul>

	<ul style="list-style-type: none"> <li>• Prepares a report for, and presents the case to, the Academic Misconduct Committee, where necessary.</li> <li>• Attends Conduct Appeal Committee meetings, where necessary.</li> <li>• Considers appeals, with the Senior Senate Assessor, against sanctions imposed for misconduct under the Plagiarism Statement.</li> </ul>
Investigating Officer	<ul style="list-style-type: none"> <li>• This role may be undertaken by a member of University staff or, where specialist expertise is needed, may be undertaken by someone external to the University.</li> <li>• Investigates allegations of non-academic misconduct.</li> <li>• Decides whether a person accompanying a Responding Student to a meeting may speak on their behalf.</li> <li>• Reports to the Decision Maker for non-academic misconduct on their investigation and their conclusions.</li> <li>• Presents their case to the Student Non-Academic Conduct Committee, where necessary.</li> </ul>
Student Liaison Officer (SLO)	<ul style="list-style-type: none"> <li>• Where allocated, acts as the key University contact point for the Responding Student (and where necessary the Reporting Student*) in relation to the Conduct proceedings.</li> <li>• The SLO will also discuss with the student any safeguarding and confidentiality issues relevant to the case.</li> <li>• The role is not a student support or advocacy role but is intended to provide a less formal communication channel to ensure that the students understand and are kept informed of the progress of any conduct case.</li> </ul> <p>*The SLO will only be allocated to students of the University of Glasgow.</p>
Decision Maker for Non-Academic Misconduct	<ul style="list-style-type: none"> <li>• This will be either the Director of Academic Services or their nominee.</li> <li>• Determines whether non-academic misconduct should be handled at Level 1 (Summary Decision) or Level 2 (Student Conduct Committee).</li> <li>• Decides whether a person accompanying a Responding Student to a meeting may speak on their behalf.</li> <li>• Determines sanctions to be applied to misconduct at Level 1.</li> <li>• Prepares a report for, and may attend, the Non-Academic Misconduct Committee, where necessary.</li> <li>• Attends Conduct Appeal Committee meetings, where necessary.</li> <li>• With the advice of the Student Conduct Team, considers appeals, against sanctions imposed for misconduct under 'local regulations'.</li> <li>• Decides whether it is possible or desirable to investigate allegations of non-academic misconduct against former students.</li> </ul>
Convener of Student Conduct or Conduct Appeals Committee	<ul style="list-style-type: none"> <li>• Ensures that procedures are followed to convene and operate Student Conduct Committee or Conduct Appeal Committee (including adjournments).</li> <li>• Ensures well-being and participation of any student and any witness during Student Conduct Committee or Conduct Appeal Committee hearings.</li> <li>• Decides whether a person accompanying a Responding Student to a hearing may speak on their behalf.</li> <li>• Decides on witnesses or advisers who may be permitted to attend a hearing.</li> <li>• Questions will normally be asked through the Convener at the hearings.</li> <li>• Has a casting vote on any decisions.</li> </ul>
Member of Student Conduct Committee	<ul style="list-style-type: none"> <li>• Determines whether there has been misconduct.</li> <li>• Determines sanction(s) to be applied to misconduct at Level 2.</li> </ul>
Member of Conduct Appeals Committee	<ul style="list-style-type: none"> <li>• Considers appeals brought by a student against a Conduct decision.</li> </ul>
Director of Academic Services	<ul style="list-style-type: none"> <li>• Oversees this Code, with the Clerk of Senate.</li> <li>• Acts as a Decision Maker for non-academic misconduct cases disposed of at Level 1.</li> <li>• Advises the Head of Student Conduct on whether a Responding Student may be accompanied or represented by a person not listed in the Code.</li> </ul>

Head of Student Conduct	<ul style="list-style-type: none"> <li>• Receives allegations of misconduct.</li> <li>• Assigns Case Managers to non-academic misconduct cases.</li> <li>• Decides, with School Fitness to Practise Officers, whether misconduct cases should be considered under this Code or under Fitness to Practise Procedures.</li> <li>• Where a student is accused of academic and non-academic misconduct, advises whether it will be possible to consider the case under one of these procedures or under both.</li> <li>• Must be notified by students of any person who may attend a meeting to accompany or represent them.</li> <li>• Advises, where an allegation is made against more than one student for the same offence, whether the students should be interviewed separately or together.</li> <li>• Decides, with the advice of the Deputy Director of Academic Services, whether a Responding Student may be accompanied or represented by a person not listed in the Code.</li> <li>• Advises on whether resolution by mutual agreement is appropriate for misconduct cases and identifies potential sanctions to be agreed.</li> <li>• Must be notified of any witnesses or advisers who may be permitted to attend a hearing.</li> <li>• Receives notifications that individuals have behaved unreasonably during misconduct proceedings.</li> <li>• Receives appeals against misconduct findings.</li> <li>• Receives requests for review of precautionary measures.</li> <li>• With the Decision Maker for non-academic misconduct, considers appeals against decisions made in the regulations outlined in §33.16.</li> </ul>
The Risk Assessment Group	<ul style="list-style-type: none"> <li>• Comprises a senior member of staff from the Student Conduct Team, a representative from Student Services, and a representative from the University Security team and a Case Manager.</li> <li>• Undertakes a risk assessment to assess whether there is a risk of harm (physical or mental) to an individual who has made an allegation under the Code, or to anyone in the University community, or whether there is a risk to the University's property or activities.</li> <li>• Advises the Clerk of Senate on precautionary measures following the risk assessment.</li> <li>• Decides whether a Student Liaison Officer should be allocated to the Responding and/or Reporting Student.</li> </ul>
The Student Conduct Team	<ul style="list-style-type: none"> <li>• Advises the Clerk of Senate and other persons on the student conduct process.</li> <li>• Informs academic schools of any academic penalties imposed by the Senate Assessors.</li> <li>• Maintains confidential records on misconduct cases and outcomes. These records are kept for at least six academic sessions after the incident under investigation.</li> <li>• Prepares annual reports on conduct cases for Senate.</li> </ul>
Case Manager	<ul style="list-style-type: none"> <li>• Assigned by the Head of Student Conduct to non-academic misconduct cases.</li> <li>• Assigns Investigative Officers to non-academic conduct cases.</li> <li>• Arranges all meetings relating to the investigation of cases, including Risk Assessment Group meetings.</li> <li>• Ensures timescales are adhered to.</li> <li>• Maintains regular communications with all parties.</li> <li>• Ensures case records are accurate and kept up to date.</li> </ul>

## ANNEX B

### SANCTIONS FOR STUDENT MISCONDUCT

This Annex outlines the types of misconduct that might be considered to fall within the different levels of the Student Code of Conduct. Each case is considered on an individual basis, depending on its context, and so the examples are not intended to be exhaustive or invariable.

This Annex also outlines the possible sanctions at each of the levels. The decision makers at each level will consider several factors when deciding on sanctions which may include:

- a) the nature of the offence;
- b) the extent of and potential advantage of the offence, for example in cases of cheating,

- c) the level of intentionality and pre-planning;
- d) previous conduct (a first offence is likely to be treated more leniently than a second or later offence);
- e) for non-academic cases,<sup>16</sup> whether the student admits to the offence, recognises the harm caused and demonstrates remorse;
- f) whether the student has attempted to conceal or destroy evidence or influence any person involved in the misconduct or its investigation; and/or
- g) whether the offence has a disproportionate impact on or is specifically aimed at a person or persons with protected characteristics.<sup>2</sup>

The decision makers also recognise and will consider the possible differential impact of sanctions on different students, for example:

- a) the impact of the sanction on the student's ability to progress or gain a qualification (this may vary, for example, between a first year and final year student);
- b) the possible impact on an international student's visa conditions;
- c) the impact on the student's ability to gain access to a profession for which the qualification would normally grant access; and/or
- d) any differential impact on a student with a physical or mental health condition.

**NB** Misconduct initially considered locally, through mutual agreement, or at Level 1 may be escalated to a higher level if the investigator or decision maker finds that the misconduct was more serious than at first thought. Misconduct considered at Level 2 may be referred back to a previous stage for further investigation, if required, or to a lower level if found to be less serious than at first thought.

## **ACADEMIC MISCONDUCT**

### **Mutually Agreed or Local Resolution**

Examples of the types of academic misconduct that might be considered locally or by mutual agreement include:

- a) bringing disallowed items into an examination that would bring no benefit in the assessment, or that were unlikely to be accessible; and/or
- b) allowing another student to copy the student's work in a formative assessment.

Cases of minor plagiarism in summative assessments may be considered by Schools under the procedures set out in the Plagiarism Statement.

### ***Sanctions for Mutually Agreed or Local Resolution***

- a) issue a written warning;
- b) require the student to write a letter of apology;
- c) require attendance at awareness-raising training (for example academic good-practice training). The student may be required to cover the cost of the training; and/or
- d) any combination of the above.

In cases considered under the Plagiarism Statement, Schools are permitted to apply limited academic penalties.

### **Resolution after Investigation under the Code of Student Conduct**

#### ***Level 1 – Summary Decision***

Examples of the types of academic misconduct that might be considered at Level 1 include:

- a) plagiarism;
- b) copying another student's work with or without their permission;
- c) undue collaboration between students; and/or
- d) bringing materials into an examination with the potential to gain benefit in the assessment.

#### ***Level 1 Sanctions***

- a) issue a written warning;
- b) require the student to write a letter of apology;
- c) require attendance at awareness-raising training (for example academic good-practice training);
- d) impose an academic penalty. An academic penalty may include one or more of the following:

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<sup>16</sup> In the case of academic misconduct there is less latitude due to the need to preserve the integrity of academic assessment and ensure that only original work is marked.

- i) a reduction in marks for an individual assessment (including an award of zero marks);
  - ii) a reduced course grade (up to the lowest grade, H);
  - iii) capping of subsequent course grades or assessment results;
  - iv) prohibition of any reassessment opportunity; and/or
  - v) refusing credit for a course (CR);
- e) suspend the student from all or part of the University for up to 12 weeks, or impose conditions on the student continuing with studies; and/or
- f) any combination of the above.

### **Level 2 – Committee Decision**

Examples of the types of academic misconduct that might be considered at Level 2 include:

- a) extensive or multiple offences of plagiarism;
- b) submitting coursework assignments that have been purchased from an online provider;
- c) substantial or second offence of cheating in an examination;
- d) attempting to bribe an assessor;
- e) falsifying research results; and/or
- f) failing to uphold legal and ethical requirements of research.

### **Level 2 Sanctions**

- a) impose any of the Level 1 sanctions;
- b) suspend the student from all or part of the University for a specified period;
- c) permanently expel the student from the University; and/or
- d) any other sanction or combination of sanctions that the Committee considers appropriate.

## **NON-ACADEMIC MISCONDUCT**

### **Mutually Agreed or Local Resolution**

Examples of the types of non-academic misconduct that might be considered locally or by mutual agreement include:

- a) excessive noise, particularly in residences or in the local community;
- b) smoking in non-designated areas;
- c) other minor forms of anti-social behaviour in the University or local community;
- d) disruption of University activities resulting in minor inconvenience;
- e) minor damage to University or another student's property; and/or
- f) using inappropriate language, noises or gestures.

### **Sanctions for Mutually Agreed or Local Resolution**

- a) issue a written warning;
- b) require the student to write a letter of apology;
- c) require the student to cover the cost of damage to property, or costs incurred as a result of the behaviour, with no financial limit;
- d) levy a fine of up to £250;<sup>17</sup>
- e) issue a non-contact agreement between students; and/or
- f) require attendance at awareness-raising training (for example drug or alcohol awareness).

### **Resolution after Investigation under the Code of Student Conduct**

#### **Level 1 – Summary Decision**

Examples of the types of non-academic misconduct that might be considered at Level 1 include:

- a) significant or repeated anti-social behaviour or disruption of University activities;
- b) criminal activity including theft, possession or use of controlled drugs, damaging University property, causing or intending to cause physical harm;
- c) being verbally abusive or intimidating another person;

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<sup>17</sup> Funds received for the payment of fines will be paid into the University's Student Hardship fund, or an alternative support fund related to the nature of the offence.

- d) causing a significant health and safety concern;
- e) misuse of University property;
- f) sexual misconduct (for example touching a person's clothes or hair or kissing without consent, sharing private sexual materials such as videos);
- g) repeated, unwanted and unsolicited contact with another person electronically or in person;
- h) deception or dishonesty;
- i) harassing or discriminating against any person;
- j) conduct that may harm the University's reputation; and/or
- k) refusal to comply with another sanction imposed under this code.

#### ***Level 1 Sanctions***

- a) issue a written warning;
- b) require the student to write a letter of apology;
- c) require the student to cover the cost of damage to property, or costs incurred as a result of the behaviour, with no financial limit;
- d) impose a fine of up to £350;
- e) the imposition of a non-contact order between students;
- f) require attendance at awareness-raising training (for example drug or alcohol awareness). The student may be required to cover the cost of the training;
- g) suspend the student from all or part of the University for up to 12 weeks, or impose conditions on the student continuing with studies; and/or
- h) select any combination of the above.

#### ***Level 2 – Committee Decision***

Examples of the types of non-academic misconduct that might be resolved at Level 2 include:

- a) repeated Level 1 offences;
- b) submission of falsified medical certificates or other fraudulent extenuating circumstances claims;
- c) engaging in more serious criminal activity including fraud, serious physical assault or threat to life, major damage to University property, repeated possession or use of controlled drugs or supply of drugs, sexual violence (for example rape or intimate touching without consent) or subjecting another student to unwanted sexual acts, domestic violence, possession of indecent images of children, committing hate crimes, possession, use or supply of an offensive weapon;
- d) causing a serious health and safety concern;
- e) downloading pornographic images onto a University computer;
- f) bullying, in person or on social media;
- g) abusive comments or harassment based on a person's protected characteristics;<sup>2</sup>
- h) engaging in conduct that may significantly harm the University's reputation; and/or
- i) refusal to comply with a significant sanction imposed under this code.

#### ***Level 2 Sanctions***

- a) impose any of the Level 1 sanctions;
- b) exclude the student from all or part of University accommodation to the extent permitted by the relevant accommodation contract;
- c) suspend the student from all or part of the University for a specified period;
- d) permanently expel the student from the University; and/or
- e) any other sanction or combination of sanctions that the Committee considers appropriate.



## Dignity at Work and Study Policy and Procedure

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Original Approved by	Date	Review Date	Responsible Department
Court	June 2012	3 years (or earlier if there are significant legislative changes)	Equality and Diversity Unit

### Version Control

Version	Approved by	Date	
4.0	EDSC	05/03/18	3 year review undertaken

Titles used in this policy may be subject to change. The titles are accurate at the time of approval.

Please feel free to use the information contained within this Policy by acknowledging the University of Glasgow and/ or the appropriate source.

## ANNEX D

### Dignity at Work and Study Policy and Procedure

#### 1. Introduction and statement of intent

The University of Glasgow's vision is to be a world-class, world-changing university. The University recognises that productive employees and students are vital to achieve this. Our values represent the shared motivations and beliefs which bring our community together, these values are passionate, professional and progressive. Defining our professional value, the University states:  
Embracing diversity and difference and treating colleagues, students, visitors and others with respect.

This value emphasises to our community everyone should be treated with dignity and respect within their working and learning environment and that harassment or bullying in any form will not be tolerated by the University.

#### 2. Scope

The behaviours in this Policy cover all members of the University community, including:

- All members of staff holding a contract of employment, and staff from other institutions on placement at, or visiting the University
- All students, including visiting and placement students
- Visitors, including external persons using the University's premises
- Contractors working at the University
- Individuals working or acting on the University's behalf, including suppliers of goods and services
- Employees working within the Students' Representative Council and student unions.

The procedures<sup>1</sup> relating to this Policy cover;

- All members of staff holding a contract of employment, and staff from other institutions on placement at, or visiting the University
- All students, including visiting and placement students, online and distance learners
- Contractors working at the University (Appendix D only)

#### 3. Policy

The University of Glasgow is committed to fostering a working, learning and research environment where mutual respect and dignity is experienced by and between employees and students.

The University aims to promote a culture where we embrace diversity and difference; harassment and bullying are known to be unacceptable; allegations are dealt with in fair and timely fashion, without fear of victimisation.

The University recognises harassment is unlawful as outlined in the Equality Act 2010.

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<sup>1</sup> All other University community members not covered below should follow the University's Complaints Procedure should they wish to make a complaint about a University employee or refer to the Code of Practice on Unacceptable Behaviour or the Code of Student Conduct if they wish to raise a concern regarding a student.



Harassment and bullying can have a serious detrimental effect on the health, confidence, morale and performance of those affected by it, and on the working, learning and living environment.

### **3.1 University responsibility**

The University will ensure that:

- Staff, students, visitors and external contractors/suppliers are treated fairly irrespective of any protected characteristics as outlined in the Equality Act 2010 (see [Appendix A](#)).
- Incidents of harassment or bullying are taken seriously and dealt with promptly.
- University employees or students who report harassment or bullying are not victimised.
- It will act promptly when allegations of harassment by external parties are reported by employees or students (see [Appendix D](#)), in relation to the working or studying environment, and where reasonable.
- Employees and students are made aware of this equality policy through the University's web pages, publications and general training, where appropriate.
- Malicious, vexatious or spurious allegations will be dealt with in the appropriate manner.<sup>2</sup>

### **3.2 Individual responsibility**

University employees, students, contractors and visitors will ensure that they:

- Treat others with dignity and respect.
- Participate in training to support the implementation of the Policy where appropriate.
- Challenge harassing or bullying behaviour as and when appropriate.

## **4. Definition of harassment and bullying**

Bullying and harassment are defined by the Advisory, Conciliation and Arbitration Service (ACAS) as the following:

- Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Examples of what may constitute harassment and bullying are provided in Section 4.1 and [Appendix B](#). These are not exhaustive lists, but provide examples of what is considered to be harassing or bullying behaviour. It should be noted that claiming something was 'banter' is not an excuse for bullying or harassing behaviour.

For practical purposes those raising a concern usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. However, behaviour that is considered bullying by one person may be considered

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<sup>2</sup> This would be through the Code of Practice on Unacceptable Behaviour, the Code of Student Conduct or staff Disciplinary Procedure.

firm management by another.<sup>3</sup> Therefore the test of reasonableness must also be applied, i.e. a reasonable person in possession of the same information would regard it as harassment.

#### **4.1 Code of Practice on Unacceptable Behaviour**

The [Code of Practice on Unacceptable Behaviour](#) is detailed in the University Calendar, with an associated procedure, however the cross over with the Dignity at Work and Study Policy is vital. Therefore, examples from the Code of what the University considers to be unacceptable behaviour are shown below.

##### Aggressive/Abusive Behaviour (Section 37.3.2 of University Calendar)

Any behaviour or language (spoken or written) which causes staff or students to feel unduly concerned, afraid, threatened or abused is not acceptable. Aggressive/abusive behaviour might include any of the following:

- demeaning, abusive, indecent or offensive language or comments (including those in writing)
- unwelcome sexual advances – stalking, touching, standing too close, display of offensive materials, asking for sexual favours/coercion
- threatening behaviour or language, or actual threats, including in relation to job security, promotion or continuation
- written, verbal or physical harassment
- comments that discriminate on the basis of sex, sexual orientation, race and ethnicity, age, disability, religion and belief or other irrelevant distinction
- unsubstantiated allegations
- use of aggressive or inappropriate gestures.

##### Disruptive Behaviour (Section 37.3.4 of University Calendar)

Behaviour which disrupts or interferes with any academic, administrative, sporting, social or other University activity is not acceptable. This may include:

- persistently interrupting others
- behaviour which distracts others from the main activity, or disrupts the good order of the event
- engaging in antisocial behaviour.

This list is not exhaustive and other examples of what may constitute harassment and bullying are provided in [Appendix B](#).

## **5. Procedures**

The University encourages individuals to solve issues informally as this is often the quickest and most effective method of dealing with harassment or bullying: the University has support measures in place to reflect this. The informal procedure for students and employees are very similar and are outlined below.

If you are a student and your allegation relates to an employee of the University or another University student, follow the procedures for **Students**.

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<sup>3</sup> <http://www.acas.org.uk/index.aspx?articleid=1864>

If you are an employee and your allegation relates to a University student, follow the procedures for **Students**.

### 5.1 Informal procedure for Students

If a student thinks they are being subjected to harassment or bullying in any form, they may wish to consider the following course of action:

- If possible, the student should tell the alleged harasser that they perceive their behaviour as harassment, and that they would like them to alter this behaviour. This can be done in person, or by letter/email. It is helpful if the student has specific examples, or evidence of the unwanted behaviour, and can say why this has made them feel uncomfortable. A record of the discussion, and copies of any correspondence, should be kept by both parties in the event that follow-up action becomes necessary.
- If the student finds this too difficult they may ask for support to in writing to, or accompanying them to a meeting with, the alleged harasser. This support may be provided by the Respect Advisers Network (see [Appendix C](#)), the student's Adviser of Studies, the [SRC Advice Centre](#), or Head of Subject or School.
- If the outcome of this initial informal action fails to produce a resolution, then the student should proceed to one of the formal procedures set out at Section 5.2.

### 5.2 Formal procedures available to Students

A formal procedure should be followed where a matter remains unresolved through the informal approach; if the problem continues after an agreed resolution; if the matter is of a more serious nature, which would not be appropriate to be dealt with by informal means, through Human Resources or Senate Office. Procedures are in place to allow incidents of bullying or harassment to be investigated fairly and transparently.

For students the following procedures are available:

- a) University [Complaints Procedure](#): a student can raise an allegation of harassment or bullying by a member of staff under this procedure. If a complaint of harassment by a member of staff of this University towards a student is upheld, a report will be made to the relevant Head of School/Service or Director of Research Institute via Human Resources for consideration under the [Disciplinary Procedure](#).

The Complaints Procedure states that a complaint must be made within 6 months from the date of the most recent incident, but clearly it is desirable to address matters promptly.

- b) [Code of Practice on Unacceptable Behaviour](#) (Section 37 of [University Calendar](#)) and [Code of Student Conduct](#) (Section 33 of [University Calendar](#)): an allegation made by a student or a member of staff concerning harassment by a student should be referred to the Senior Senate Assessor for Student Conduct. The Senior Senate Assessor will determine whether the allegation should be addressed with reference to the Code of Practice on Unacceptable Behaviour or in accordance with the procedures set out in the Code of Student Conduct.

### **5.3 Informal procedure for Employees**

The University encourages individuals to solve issues informally as this is often the quickest and most effective method of dealing with harassment or bullying. If an employee thinks they are being subjected to harassment or bullying in any form, they may wish to consider the following course of action:

- If possible, the employee should make it clear to the alleged harasser that they perceive their behaviour as harassment, and they would like them to alter this behaviour. This can be done in person, or by letter/email. It is helpful if the employee has specific examples, or evidence of the unwanted behaviour, and can say why this has made them feel uncomfortable. A record of the discussion, and copies of any correspondence, should be kept by both parties in the event that follow-up action becomes necessary.
- If the employee finds this too difficult they may ask for support in writing to, or accompanying them to a meeting with, the alleged harasser. This support may be provided by the Respect Advisers Network (see [Appendix C](#)), their line manager/supervisor, a colleague, trade union representative.

### **5.4 Formal procedure for Employees**

If the outcome of this initial informal action fails to produce a resolution; if the problem continues after an agreed resolution; or if the matter is of a more serious nature that would not be appropriate to be dealt with by informal means, then the employee may proceed to the Formal Procedure, which is the [Grievance Procedure](#).

Where a grievance has already been considered informally (as outlined in Section 5.3 of this Dignity at Work and Study Policy), and the employee believes it has not been resolved, a formal grievance should be raised within 10 working days of the outcome of the informal stage.

Where, on the face of it, there appears to be evidence at the informal stage of potentially serious harassment or bullying this may proceed directly to the [Disciplinary Procedure](#) for appropriate investigation.

## 6. Confidentiality

It is important that any claims of bullying and harassment are treated seriously and confidentially.

Appropriate confidentiality will be observed for both complainant and alleged harasser. Confidentiality in this context relates to the details of the case and investigation. Only those who are required to know details of the case will have access to information including the complainant and the alleged harasser.

There may however be circumstances where there is a legal obligation to share information with another party. For example, where a line manager or Respect Adviser learns about something which could seriously affect the wellbeing of an individual or group, they have a duty of care to advise a Head of HR/HR Adviser/Adviser of Studies or Head of School/ Research Institute/Service even though it may be against the wishes of the student/employee. Except in these exceptional circumstances confidentiality will be maintained where at all possible.

## 7. Monitoring of this policy

The Equality and Diversity Strategy Committee (EDSC) will monitor the implementation and revision of this Policy, in consultation with Trades Unions and the SRC.

The University will collect anonymised statistical information on complaints made by students and employees including:

- Informal monitoring of the policy by the Respect Advisers Network.
- Formal monitoring of complaints handled under the Complaints Procedure, the Code of Practice on Unacceptable Behaviour and the Code of Student Conduct by the Senate Office.
- Formal monitoring of employees grievances by Human Resources.

## 8. Relevance to other Policies

### 8.1 Student Policies

- [Complaints Procedure](#)
- [Code of Student Conduct](#) (Section 33) of [University Calendar](#)
- [Code of Practice on Unacceptable Behaviour](#) (Section 37) of [University Calendar](#)
- [Personal Relationship Policy](#)

### 8.2 Employee Policies/Procedures

- [Grievance Procedure](#)
- [Disciplinary Procedure](#)
- [Personal Relationship Policy](#)
- [Policy for Managing Stress in the Workplace](#)
- [Guidance for employees who have been accused of harassment or bullying](#)
- [Code of Practice on Unacceptable Behaviour](#) (Section 37) of [University Calendar](#)
- [Social Media Policy \(link to be included once agreed\)](#)

## 9. Useful contacts

### Respect Advisers Network

[www.gla.ac.uk/services/humanresources/equalitydiversity/policy/dignityatwork/ran/](http://www.gla.ac.uk/services/humanresources/equalitydiversity/policy/dignityatwork/ran/)

### Equality and Diversity Unit

(main office is not on main campus – meetings can be arranged by appointment)

6<sup>th</sup> Floor, Tay House

Glasgow G12 8QQ

Tel: 0141 330 1887

Email: [equality@glasgow.ac.uk](mailto:equality@glasgow.ac.uk)

[www.gla.ac.uk/services/equalitydiversity/](http://www.gla.ac.uk/services/equalitydiversity/)

### 9.1 For Students

#### The Students' Representative Council – Advice Centre

McIntyre Building

University Avenue

Glasgow G12 8QQ

Tel: 0141 330 5360

Email: [advice@src.gla.ac.uk](mailto:advice@src.gla.ac.uk)

[www.glasgowstudent.net/advice/](http://www.glasgowstudent.net/advice/)

#### Counselling and Psychological Services

67 Southpark Avenue

Glasgow G12 8LE

Tel: 0141 330 4528

Email: [studentcounselling@glasgow.ac.uk](mailto:studentcounselling@glasgow.ac.uk)

[www.gla.ac.uk/services/counselling/](http://www.gla.ac.uk/services/counselling/)

#### Senate Office

Level 6, South Front

Gilbert Scott Building

Glasgow G12 8QQ

Tel: 0141 330 6063

[www.gla.ac.uk/services/senateoffice/](http://www.gla.ac.uk/services/senateoffice/)

## 9.2 For Employees

### **Human Resources Department**

(main office is not on main campus – meetings can be arranged by appointment)

Human Resources (Tay House)

University of Glasgow

Glasgow G12 8QQ

Tel: 0141 330 3898

Email: [humanresources@glasgow.ac.uk](mailto:humanresources@glasgow.ac.uk)

[www.gla.ac.uk/services/humanresources/](http://www.gla.ac.uk/services/humanresources/)

### **PAM Assist**

PAM Assist is an external and independent counselling service for employees of the University.

Tel: 0800 882 4102

### **Occupational Health Unit**

63 Oakfield Avenue,

Glasgow G12 8LP

Tel: 0141 330 7171

Email: [ohu@admin.gla.ac.uk](mailto:ohu@admin.gla.ac.uk)

[www.gla.ac.uk/services/occupationalhealthunit/](http://www.gla.ac.uk/services/occupationalhealthunit/)

### **University and College Union – Glasgow**

UCUG Office

68 Oakfield Avenue

University of Glasgow

Glasgow, G12 8QQ

Tel & Fax: 0141 330 5375

Email: [ucug@gla.ac.uk](mailto:ucug@gla.ac.uk)

[www.gla.ac.uk/services/organisations/ucug](http://www.gla.ac.uk/services/organisations/ucug)

### **Unison – University of Glasgow**

Unison Office

University of Glasgow

68 Oakfield Avenue

Glasgow G12 8QD

Tel & Fax: 0141 330 5570

Email: [guunison@udcf.gla.ac.uk](mailto:guunison@udcf.gla.ac.uk)

### **GMB Union – University of Glasgow**

Jim Steele

GMB Convener - University of Glasgow

Email: [gmbg@glasgow.ac.uk](mailto:gmbg@glasgow.ac.uk)

Telephone: 0141 330 6568

Mobile: 07713465037

**Unite the Union – Glasgow University Group**  
Email: [Unite@glasgow.ac.uk](mailto:Unite@glasgow.ac.uk)



## 10. Appendices

### Appendix A: The Equality Act 2010

The Act introduced protected characteristics for which discrimination is unlawful. The protected characteristics under the Act are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (ethnic origin, nationality and race)
- religion or belief (including lack of belief)
- sex
- sexual orientation

The legislation applies to both staff and students, before, during and after the relationship with the higher education institution (HEI).

The legislation covers employment, education, the provision of goods, facilities and services, the management of premises and the exercise of public functions.

The Act places general and specific duties on public authorities.

Under the general duty<sup>4</sup>, public authorities are required to:

- promote equality of opportunity
- foster good relations between diverse groups
- eliminate discrimination, harassment and victimisation

The specific duties for Scotland came into force on 27 May 2012.

For more information on the specific duties for Scotland see

[www.equalityhumanrights.com/en/commission-scotland/public-sector-equality-duty-scotland](http://www.equalityhumanrights.com/en/commission-scotland/public-sector-equality-duty-scotland)

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<sup>4</sup> Applies to all protected characteristics other than marriage/ civil partnership.

## Appendix B: Definitions of bullying and harassment and types of discrimination

Bullying and harassment are defined by ACAS as the following:

- **Bullying** is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- **Harassment** is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Examples of harassing or bullying behaviour could include:

- spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, gender identity, sexual orientation and religion or belief)
- unwelcome sexual advances – stalking, touching, standing too close, display of offensive materials, asking for sexual favours/coercion
- copying information which is critical about someone to others who do not need to know
- racist jokes and ridiculing relating to cultural differences
- ridiculing or demeaning someone – picking on them or setting them up to fail
- abuse or harassment relating to an individual's disability, sexual orientation (e.g. homophobia/biphobia) or relating to gender reassignment/identity (e.g. transphobia), which under recent legislation changes are now considered hate crimes.
- email, text or online abuse
- exclusion or victimisation
- inciting others to harass
- overbearing supervision or other misuse of power or position
- making threats or comments about job security without foundation
- deliberately undermining a competent employee/student by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion/progression or training opportunities
- violence
- shouting and sarcasm
- constant destructive criticism
- ignoring, patronising and ostracising
- setting a person up for failure with impossible workloads and deadlines.

Bullying or harassment do not need to take place face to face, but can happen within written correspondence, on the telephone and through visual images.

## Types of discrimination

Since the implementation of the Equality Act 2010, the types of discrimination have been extended from direct, indirect, harassment and victimisation to also include associative and perceived discrimination. Definitions are supplied below:

- **Direct discrimination** - Direct discrimination occurs where someone is treated less favourably directly because of:
  - a protected characteristic they possess – this is ordinary direct discrimination; and/or
  - a protected characteristic of someone they are associated with, such as a friend, family member or colleague – this is direct discrimination by association (see below); and/or
  - a protected characteristic they are thought to have, regardless of whether this perception by others is actually correct or not – this is direct discrimination by perception (see below).

Direct discrimination in all its forms could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits because of a protected characteristic.

- **Indirect discrimination** - This type of discrimination is usually less obvious than direct discrimination and can often be unintended. In law, it is where a provision, criterion or practice is applied equally to a group of employees/job applicants, but has (or will have) the effect of putting those who share a certain protected characteristic at a particular disadvantage when compared to others without the characteristic in the group, and the employer is unable to justify it.
- **Harassment** is defined as ‘unwanted conduct’ and must be related to a relevant protected characteristic or be ‘of a sexual nature’. It must also have the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- **Victimisation** is when an employee suffers what the law terms a ‘detriment’ - something that causes disadvantage, damage, harm or loss - because of:
  - making an allegation of discrimination, and/or
  - supporting a complaint of discrimination, and/or
  - giving evidence relating to a complaint about discrimination, and/or
  - raising a grievance concerning equality or discrimination, and/or
  - doing anything else for the purposes of (or in connection with) the Equality Act 2010

Victimisation may also occur because an employee is suspected of doing one or more of these things.

- **Associative discrimination** – This is direct discrimination and happens where someone is treated less favourably because they associate with another person who possesses a protected characteristic.
- **Perceived discrimination** – This is direct discrimination and happens where someone is treated less favourably because they are perceived to have a particular protected characteristic. So it still

applies even if that person does not have the protected characteristic.

## **Appendix C - Respect Adviser Network**

The University has a volunteer network of employees who support staff and students who think they may be experiencing bullying or harassment.

The contact details for the Respect Adviser Network (RAN) is available here - [www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/policy/dignityatwork/ran/](http://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/policy/dignityatwork/ran/)

The University has a duty of care for students, staff and visitors and is committed to maintaining a professional working, learning and social environment that is free from any form of bullying and harassment. Respect Advisers play a vital role in promoting this environment by being a useful support contact person for staff and students who have an issue with bullying or harassment.

Respect Advisers are provided with training which covers the law in relation to discrimination, harassment and bullying, the University's Dignity at Work and Study Policy and their role.

The University recognises and appreciates the value of the contribution of this role and reasonable time off normal duties to fulfil this function will be given.

The role is voluntary and there is no remuneration for these duties, however it is expected the role will be recognised within the Adviser's Performance and Development Review.

### **Purpose of the role is**

- To raise awareness of the University's Dignity at Work and Study Policy.
- To provide a confidential, as appropriate, listening service for staff and students who think they may be being bullied or harassed.
- To facilitate informal resolution in cases of harassment in line with the University's Dignity at Work and Study Policy.
- To advise on the role of Respect Adviser and provide guidance, assistance and advice on the courses of action available.
- To identify, and refer, serious allegations to the appropriate University authority.

### **Purpose of the role is NOT**

- To undertake any investigations or decide on the validity of a complaint.
- To decide whether the behaviour / conduct of an individual(s) constitutes harassment.
- To take action against an alleged harasser.
- To represent or accompany individuals who choose to follow a formal procedure.
- To provide counselling.

## **Appendix D**

### **Procedure for Complaints relating to external providers**

#### **1. Introduction**

- 1.1 This procedure is intended to outline the process dealing with harassment or bullying complaints concerning contractors and suppliers.
- 1.2 The University is committed to eliminating all forms of direct, indirect, associated or perceived forms of harassments, discrimination, and victimisation of employees and students, as outlined in the Equality Act 2010.
- 1.3 The University, as part of its daily business, conducts campus infrastructure development and maintains regular contact with contractors and suppliers. Many have tendered for work and through this process are advised of information on the University Policies and Regulations, including those related equality and diversity.
- 1.4 The University has developed a specific Dignity at Work and Study Policy for students and employees. A network of volunteer Respect Advisers operates on the campus to support students and employees alleging bullying and harassment.
- 1.5 The University expects that contractors and suppliers will behave with dignity and respect towards students and staff. However, where allegations of bullying, harassment or discriminatory remarks are made, the University has a duty to investigate the allegation.

#### **2. Responsibility**

Students, employees, contractors and suppliers should demonstrate respect for all parties in their dealings.

Students, employees, contractors and suppliers should take responsibility for their own actions and decisions.

#### **3. Lodging complaint**

Complaints will be handled in accordance with the University's Complaints Procedure. It is therefore important that the complainant seeks to note the time and place of the alleged incident, and if possible note the name of the contractor. Please note for the purposes of this procedure the Students' Representative Council and student unions are not considered contractors and are independent from the University.

#### **4. Dealing with complaint(s)**

- 4.1 The University will inform the appropriate contractor and/ or supplier about the complaint received.
- 4.2 The University will investigate the matter in accordance with the Complaints Procedure (see Section 5).
- 4.3 The complainant and the alleged harasser will receive a decision in writing from the University as soon as the investigation is complete.

4.4 Where a serious incident takes place (for example physical assault) then the matter may be referred to the police, after seeking advice from the University Security Service. The University may invoke its right to suspend work until the contractor and/ or supplier can provide evidence that possible precautionary actions have taken place to prevent harm and violation to the University community (staff and students).

## 5. Procedure

5.1 The University will take action which may:

- require an investigation
- resolve the matter without the need for investigation
- require urgent action being taken before any investigation is conducted.

5.2 The individual should be prepared to provide the following information:

- a description of what happened
- the date and place of the occurrence
- the people involved
- relevant documents (notes, signs, letters) or names of witnesses.

5.3 Possible outcomes include the decision to:

- take no further action, because the complaint is not founded, or there is insufficient evidence
- uphold the complaint and inform the contractor and/ or supplier about the outcome
- work with the contractor and/ or supplier to remove the offending worker(s)
- ensure that the contractor and/ or supplier provides evidence of appropriate training and policy put in place as a result, to prevent repeat of such behaviour
- invoke the University's formal disciplinary procedure against the complainant if the complaint is found to be vexatious or malicious
- terminate the contract where gross misconduct/ negligence is proven.



University  
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# Disciplinary Procedure



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# 1. General Principles

- 1.1. The University is committed to developing and maintaining constructive relations with its employees in order to promote an environment where colleagues are able to perform at their best. It is recognised that concerns regarding conduct do arise from time to time and that these may come to light in different ways and/or via different formal processes, such as the University's Grievance or Complaints procedures. This non-contractual procedure provides a framework for dealing with misconduct situations.
- 1.2. The University will act fairly and consistently when dealing with cases under the Disciplinary Procedure.
- 1.3. The procedure will give effect to the principle that, in their areas of academic expertise, staff engaged in teaching, the provision of learning or research will have freedom within the law to hold and express opinion, to question and test established ideas and received wisdom and to present controversial or unpopular points of view without placing in jeopardy their employment or any entitlements or privileges they enjoy.
- 1.4. The University will seek to resolve employment issues promptly and transparently at the lowest possible level and, where appropriate, on an informal basis.
- 1.5. An employee has the right to be accompanied at any formal meeting and related appeal meeting under the Disciplinary Procedure by a work colleague, a duly accredited Trade Union representative or an official employed by a Trade Union and may also be accompanied on request at investigatory meetings.
- 1.6. If an employee has particular requirements at any stage of the procedures because of a disability, or wishes to inform the University of any relevant medical condition, the employee should contact the appropriate Human Resources representative.
- 1.7. Different procedures apply to competency and sickness/ill health cases. The University may commence the process using one procedure but continue the process using a different procedure if it is more appropriate and reasonable to do so.
- 1.8. The University will generally follow each of the stages set out in these Disciplinary Procedures in any particular case but reserves the right in appropriate cases to commence the procedure at any of the specified stages or to omit a particular stage/stages. This will apply in particular to cases emerging from the University's Grievance or Complaints procedures, for which a satisfactory level of investigation may already have taken place.
- 1.9. Notes of formal meetings will be taken, these will be summaries of the key points and not a verbatim record. Copies of these notes will be given to the parties present

and they should inform the University if they wish to comment on the accuracy of the notes within 5 working days of receiving them. It is normally expected that all documentation including witness statements will be shared with relevant parties [except where the University has to withhold some information to protect a witness]. The University will keep a written record of every disciplinary case which will be treated as confidential and kept in accordance with the Data Protection Act 1998. Notes of informal meetings may also be taken where appropriate.

- 1.10. Formal disciplinary action will not be taken against a recognised Trade Union's representative until the circumstances of the case have been discussed with either the Branch Chair/Secretary or if they are not available, with a full-time official.
- 1.11. Training and coaching of managers operating the procedure will be available. Advice and guidance on the application of the Disciplinary Procedure will be provided by Human Resources and a Human Resources Representative may be present at any stage in the process.
- 1.12. Whilst every effort will be made to manage disciplinary situations with sensitivity and due confidentiality, there may be some occasions where the University is obliged to confidentially report the outcome to an external body (e.g. a research funder) in line with applicable contractual terms or other relevant protocols. The University will make such disclosures at its sole discretion, providing the individual concerned with prior notification.

## **2. Disciplinary Procedure (Conduct)**

### **2.1. Investigation**

The University will investigate the alleged misconduct, without unreasonable delay, carrying out any necessary investigations to establish the facts in any particular case. The individual will be advised in appropriate detail of the allegations that are being investigated. Investigations will be carried out in a fair, transparent and objective manner and, where practicable, the person who conducts the disciplinary meeting should be different from the person(s) who carries out the investigation.

In some cases, investigations carried out under the Grievance or, Research Misconduct policies or the University's Complaints Procedure may result in allegations of misconduct. In such cases, the investigating manager should consider any investigation carried out so far and assess the need for further investigation, ensuring they are satisfied that the preceding investigation has been fair and reasonable in the circumstances and that the principles outlined in section 1 have been applied.

The earlier investigation (or relevant parts thereof) carried out under these policies/procedures may be utilised as part of the disciplinary process and, as a

minimum, the respondent should be invited to comment. Similarly, in the case of financial irregularities there may be an investigation undertaken by internal /external parties as appropriate and where financial irregularities are identified the outcome of the investigation may be utilised as part of the disciplinary process. Cases which progress in this manner must clearly identify the alleged misconduct but must not seek to propose a conclusion or outcome ahead of further independent investigation under the disciplinary process.

In any case, the individual involved should be updated on progress and related developments as appropriate.

## **2.2. Informal Disciplinary Action**

Informal disciplinary action may be taken in appropriate cases. This involves informally discussing the matter with the employee, defining the conduct that is unacceptable and identifying any remedial action.

The employee should be made aware that formal action may be taken if the informal action does not resolve matters.

## **2.3. Suspension**

If serious or gross misconduct is alleged the employee may be suspended on full pay and benefits or temporarily deployed on alternative duties. The period of suspension will be as brief as possible in the circumstances and should be kept under review. Suspensions will be agreed in advance with the appropriate HR Manager.

Suspension is not a disciplinary action nor does it infer any guilt.

## **2.4. Formal Disciplinary Meeting**

If informal action does not resolve matters or if following investigation the alleged misconduct is considered sufficiently serious to potentially merit formal disciplinary action, the steps outlined below will be taken.

### **2.4.1. Inform the Employee In Writing**

The University will inform the employee in writing of the allegations. The letter will contain sufficient information about the allegations and the possible consequences to enable the employee to respond to these at the disciplinary meeting.

The letter will normally enclose copies of any documents that have been gathered during the investigation process to allow for adequate preparation by the employee.

Possible consequences up to and including dismissal, will be outlined in the letter. The letter will also advise the employee of their right to be accompanied by a work colleague or Trade Union representative.

### **2.4.2. The Meeting**

Disciplinary meetings to hear cases will normally be convened by the manager of the member of staff under investigation. The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case. Normally a minimum of 5 working days notice of disciplinary meetings will be given.

At the meeting the University will explain the allegations against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. They will also be given the opportunity to ask questions and present evidence.

It may be appropriate for relevant witnesses to attend the disciplinary meeting and the employee will be given the opportunity to raise points at the meeting about any information provided by witnesses. Where an employee or the University intends to call a witness, they should notify the other party of this in writing in advance of the meeting and ensure that they attend at the appropriate time. No individual can be compelled to attend a disciplinary meeting as a witness

The manager convening the disciplinary meeting will decide on the outcome, where appropriate, seeking guidance from the relevant HR representative.

After the meeting, the University will notify the employee of its decision in writing. This will normally be done within 10 working days of the meeting. If disciplinary action is taken the employee will be advised of the right to appeal.

## **2.5. Disciplinary Sanctions**

The University has discretion to determine the appropriate disciplinary sanction to apply to an employee who it concluded has committed an act of misconduct. These sanctions include:

### **2.5.1. Formal Oral Warning**

This will usually be appropriate for a first act of misconduct where conduct falls below an acceptable level or a minor offence has been committed and there are no live written warnings. This warning will remain live for 6 months.

### **2.5.2. Written Warning**

This will usually be appropriate for misconduct where there is already a live formal oral warning on the employee's record or where the misconduct is considered sufficiently serious to warrant a written warning even although the employee has no live warnings. A written warning will remain live for 9 months.

### **2.5.3. Final Written Warning**

This will usually be appropriate for misconduct where there is already a live written warning on the employee's record or where the misconduct is considered sufficiently serious to warrant a final written warning even although the employee has no live warnings. A final written warning will remain live for 12 months.

### **2.5.4. Dismissal**

Dismissal will usually be appropriate in respect of the following:

- Repeated or serious misconduct during the first 12 months of an employee's employment;
- Further misconduct where there is a live final written warning; or
- Any gross misconduct regardless of whether there are live warnings.

Gross misconduct will usually result in summary dismissal without notice or payment in lieu of notice. Examples of conduct which are likely to amount to gross misconduct are attached as an Appendix to this procedure.

If the University decides that dismissal is the appropriate sanction, the employee will be informed of the reasons for the dismissal and the date on which employment will end.

An employee will not normally be dismissed for a first act of misconduct unless the University concludes that it amounts to gross misconduct or the employee is in the first 12 months of employment.

### **2.5.5. Alternative Sanctions Short Of Dismissal**

In appropriate cases the University may consider some other sanction short of dismissal e.g. demotion or redeployment.

### 2.5.6. Warning to Employee

For both formal oral, first and final written warnings the University will inform the employee of the nature of the misconduct, the change in behaviour required, the likely consequences of further misconduct and that the warning will remain live for 6 months for formal oral warnings, 9 months for first written warnings and 12 months for final written warnings.

## 3. Appeal

### 3.1 Lodging an Appeal

If an employee wishes to appeal the outcome of a decision made at any hearing held under the disciplinary procedure, they should submit an appeal in writing outlining their full grounds for appeal, to the appropriate College/University Services Head of Human Resources within 10 working days of receipt of the University's decision. Employees will be notified that their appeal has been received within 5 working days.

The appeal stage is not intended to be a rehearing of the original case. Hence the grounds for appeal should typically fall within one of the following:

- Procedural error
- The outcome and recommendations are unreasonable and significantly out of line with the issues considered
- New information is now available which could not have reasonably been provided when the original outcome was communicated

Where the appeal relates to new evidence there should be a clear statement provided outlining the reason why this was not available for consideration at the previous stage.

### 3.2 The Appeal Meeting

The University will invite the employee in writing to attend an appeal hearing, normally within 10 working days of receipt of an appeal. The employee may be accompanied by a Trade Union representative or work colleague.

Appeals will be heard by an independent and normally more senior manager (the Appeal Manager) who will consider the hearing outcome with an open mind. Appeals in relation to dismissals will be heard by a panel of 2, the chair being a senior member of University staff (of minimum Grade 7) and the other being an appropriately trained member of staff\*.

*\*For staff engaged in teaching, the provision of learning or research the trained member of staff will be a senior member of academic staff drawn from a grouping proposed jointly by University Management and the recognised Trade Union(s) and approved by*

*Court.*

If the employee or their Trade Union representative is unable to attend the appeal meeting, steps will be taken to rearrange this as soon as possible. However, if the employee is persistently unable or unwilling to attend a meeting, the Appeal Manager may review the available materials and reach an outcome based on the information available to them. A decision to proceed in this way will be communicated in writing to the employee in advance.

Appropriate training/guidance will be provided to Appeal Managers and members of Appeal Panels by Human Resources. Further information and guidance on the appeal process is available from the appropriate College/University Services HR team.

### 3.3 The Appeal Outcome

Once the Appeal Manager has considered all the points raised they will normally provide a response, in writing, within 15 working days.

The decision of the Appeal Manager is final and there is no further right of Appeal.

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# Appendix 1 - Gross Misconduct

## 1. GROSS MISCONDUCT

The following are examples of matters that are normally regarded as gross misconduct:

- a) Theft or fraud;
- b) Physical violence (actual or threatened);
- c) Deliberate and serious damage to property;
- d) Unlawful discrimination, harassment, bullying or intimidation against employees, contractors, students or members of the public on the grounds of sex, sexual orientation, marital or civil partner status, pregnancy and maternity, gender reassignment, race, disability, religion or belief, or age which contravenes the University's Equality Policy or Dignity at Work and Study Policy;
- e) Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- f) Defamatory and /or abusive comments regarding the University or its staff through the inappropriate use of social networking technology, electronic web logs (blogs) or other internet sites;
- g) Intentional or malicious refusal to comply with reasonable instructions or requests made by a line manager within the workplace;
- h) Bringing the University into serious disrepute such as serious misuse of University property, name or reputation;
- i) Giving false information as to qualifications or entitlement to work (including immigration status); using fraudulent identity or withholding information that would be relevant;
- j) Incapability to work due to being under the influence of alcohol, illegal drugs or other substances during working hours;
- k) Causing loss, including loss of life, damage or injury through serious negligence;
- l) Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- m) Serious breach of confidence including unauthorised use or disclosure of confidential information or a serious failure to ensure that confidential information in the employee's possession is kept secure;
- n) Acceptance of bribes or other secret or undeclared payments;
- o) Conviction for a criminal offence that in the University's opinion may affect the University's reputation or its relationships with staff, students or the public, or otherwise affects the employee's suitability to continue to work for the University;
- p) Possession, use, supply or attempted supply of illegal drugs;
- q) Serious neglect of duties, or deliberate breach of the University's procedures;
- r) Deliberate or malicious unauthorised use, processing or disclosure of personal data which contravenes the University's Data Protection Policy;
- s) Making a disclosure of false or misleading information under the Code on Public Interest Disclosure (Whistleblowing Policy) maliciously, for personal gain, or otherwise in bad faith;

- t) Making untrue/vexatious allegations in bad faith against a colleague;
- u) Serious misuse of the University's information technology systems (including misuse of developed or licensed software, use of unauthorised software and serious misuse of e-mail and the internet);
- v) Serious and/or malicious misconduct in connection with research activities.

This list is intended as a guide and is not exhaustive.

## The University of Glasgow Complaints Handling Procedure

Adapted from the Scottish Higher Education Model Complaints Handling Procedure as set out by the Scottish Public Service Ombudsman (SPSO)

### Part 1: Introduction and overview

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## Part 1: Introduction and overview

### 1.1 Foreword

The University of Glasgow' Complaints Handling Procedure (CHP) reflects our commitment to valuing complaints. It seeks to resolve dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

This procedure was first developed by the Scottish Public Services Ombudsman (SPSO), in collaboration with representatives of the Higher Education sector. The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to this sector. As far as is possible we have produced a standard approach to handling complaints across Scotland's public services, which complies with the SPSO's guidance on a MCHP.

The CHP aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.

All new staff across the University of Glasgow are made aware of this procedure as part of their induction and refresher training is given as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure (including recording complaints).

Complaints give us valuable information we can use to improve. Our Complaints Handling Procedure will enable us to address a complainant's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the complainants' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our students and other members of the public a form of redress when things go wrong, and can also help us continuously improve our services.

Handling complaints early creates better relations with students and other members of the public. Handling complaints close to the point of service delivery means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure.

The Complaints Handling Procedure helps us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

## 1.2 Structure of the Complaints Handling Procedure

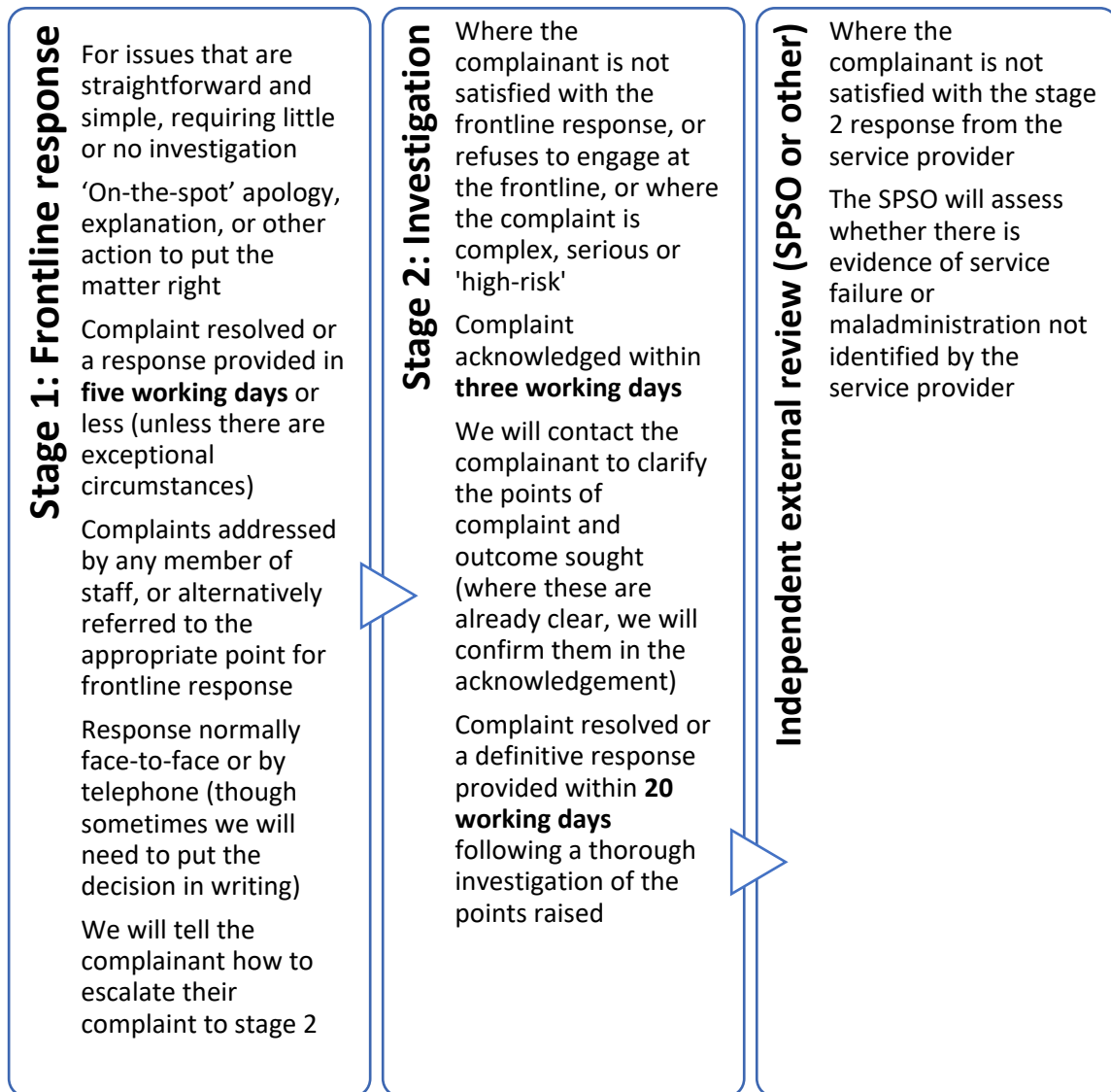
1.2.1 This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:

- Overview and structure (part 1) – this document
- When to use the procedure (part 2) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
- The complaints handling process (part 3) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
- Governance of the procedure (part 4) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
- The guide for students (part 5) – information for students and members of the public on how we handle complaints

1.2.2 When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO. [www.spsso.org.uk](http://www.spsso.org.uk)

## 1.3 Overview of the CHP

- 1.3.1 Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
- 1.3.2 We will try to resolve complaints to the satisfaction of the complainant wherever this is possible. Where this isn't possible, we will give the complainant a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
- 1.3.3 Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the complainant remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint straight into stage 2.



1.3.4 If a complainant remains unhappy once the investigation stage has been completed, the complainant is entitled to ask the SPSO to look at their complaint. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the University’s Complaints Procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the complaint.

1.3.5 For detailed guidance on the process, see Part 3: The complaints handling process.

## 1.4 Expected behaviours

1.4.1 We ask complainants to engage actively with the complaint handling process by:

- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)

- working with us to agree the key points of complaint when an investigation is required; and
  - responding to reasonable requests for information.
- 1.4.2 We ask those bringing a complaint to treat our staff with respect. We also expect all staff to behave in a professional manner and treat complainants with courtesy, respect and dignity.
- 1.4.3 In a small number of cases the actions or behaviour of individuals using the Complaints Handling Procedure result in making it difficult for University staff to deal with their complaint as it involves abuse of our staff or our process. In such cases, the University will take action to protect staff, taking into account their ability to do their work and provide a service because of the behaviour of the complainant. We have a policy in place for when these standards are not met which is our Code of Practice on Unacceptable Behaviour.
- 1.4.4 We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the complainant acting in an unacceptable way.
- 1.4.5 People who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some complainants may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from complainants.
- 1.4.6 The manner in which the University deals with unacceptable behaviour will depend on the nature and extent of the behaviour. This may range from asking the person to modify their behaviour or restricting contact with them, to invoking its disciplinary and conduct procedures or, in the most serious cases, the involvement of the police.
- 1.4.7 Where we decide to restrict access to a complainant under the terms of our policy, we have a procedure in place to communicate that decision, notify the complainant of their right of appeal, and review any decision to restrict contact with us. This is outlined in our [Code of Practice on Unacceptable Behaviour](#).
- 1.4.8 If we decide to restrict a complainant's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the complainant's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the complainant. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we signpost the complainant to the SPSO (see Part 3: Signposting to the SPSO).

1.4.9 The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions](#).

## 1.5 Maintaining confidentiality and data protection

1.5.1 Confidentiality is important in complaints handling. This includes maintaining the complainant's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

1.5.2 This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.

1.5.3 We always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of individuals' information.

### [LINK TO PRIVACY POLICY](#)

1.5.4 Examples of situations where a response to a complaint may be limited by confidentiality, such as:

- where a complaint has been raised against a staff member and has been upheld – we will advise the complainant that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.
- where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.



## The University of Glasgow Complaints Handling Procedure

Adapted from the Scottish Higher Education Model Complaints Handling Procedure as set out by the Scottish Public Service Ombudsman (SPSO)

### Part 2: When to use this procedure

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## Part 2: When to use this procedure

### 2.1 What is a complaint?

2.1.1 The University of Glasgow's definition of a complaint is: 'an expression of dissatisfaction by one or more students, other service users and members of the public about the University of Glasgow's action or lack of action, or about the standard of service provided by or on behalf of the University of Glasgow.'

2.1.2 For clarity, where an employee also receives a service from the University of Glasgow as a member of the public (e.g. if they are also a registered student, an applicant, or a member of University of Glasgow Sport), they may complain about that service. If a member of staff wishes to complain about something relating to their employment, they should contact their line manager or Human Resources.

2.1.3 A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- the quality of facilities or learning resources
- dissatisfaction with one of our policies or its impact on the individual (although it is recognised that policy is set at the discretion of the institution)
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor<sup>1</sup>, (**except** where there are arrangements in place for the contractor to handle the complaint themselves: see **Complaints about contracted services**); or
- disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

2.1.4 A complaint **is not**:

- a request for information or an explanation of policy or practice
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire or committee membership
- a concern about student conduct (see **Complaints and student conduct procedures**)
- a routine first-time request for a service (see **Complaints and service requests**)
- a request for compensation only (see **Complaints and compensation claims**)
- an insurance claim
- issues that are in court or have already been heard by a court or a tribunal (see **Complaints and legal action**)
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or

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<sup>1</sup> Information on harassment and bullying is provided in the Dignity at Work and Study Policy.

<https://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/dignityworkstudyover/>

an established appeals process followed throughout the sector (such as an appeal about an academic decision on assessment or admission - see **Complaints and appeals**)

- a request for information under the Data Protection or Freedom of Information (Scotland) Acts, or the Environmental Information Regulations
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- concerns about services outwith the institution's delegated responsibilities (e.g. conference and accommodation services to commercial clients)
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our institution or staff where such actions would be covered by our Code of Practice on Unacceptable Behaviour; or
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf: see **Complaints about contracted services**).

2.1.5 We will not treat these issues as complaints, and will instead direct people to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

2.1.6 If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the complainant, and tell them what (if any) action we will take, and why. See **What if the CHP does not apply**.

## 2.2 Who can make a complaint?

2.2.1 Anyone who receives, requests, or is affected by our services can make a complaint.

2.2.2 This includes, although is not limited to:

- a student's experience during their time at the institution (all referred to as 'students' through the remainder of this document);
- members of the public, where they have a complaint about matters which are (or which were at the time the issue arose) the responsibility of the institution; and
- members of the public who are applying for admission to the institution and whose complaint does not relate to academic judgement.

2.2.3 The basic processes for investigating complaints are the same for students, members of the public and applicants to the institution – however appeals/complaints regarding a decision not to admit an applicant will be dealt with through admissions procedures.

2.2.4 We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

## Supporting the complainant

2.2.5 Everyone has the right to equal access to our complaints procedure. It is important to recognise the barriers that some people may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Complainants may need support to overcome these barriers.

2.2.6 We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example:

- the Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
- the Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a ‘mental disorder’ (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

2.2.7 Examples of how we will meet our legal duties are:

- proactively checking whether members of the public who contact us require additional support to access our services
- providing interpretation and/or translation services for British Sign Language users; and
- helping complainants access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).

2.2.8 In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:

- helping vulnerable people identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
- helping complainants access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the SRC Advice Centre, the Scottish Independent Advocacy Alliance or Citizen’s Advice Scotland); and
- providing a neutral point of contact for complaints (where the relationship between complainants and frontline staff is significant and ongoing).

2.2.9 These lists are not exhaustive, and we will always take into account our commitment and responsibilities to equality and accessibility.

## 2.3 How complaints may be made

2.3.1 Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.

- 2.3.2 Where a complaint is made **verbally**, we will make a record of the key points of complaint raised.

Where it is clear that a complex complaint will be immediately considered at stage 2 (investigation), it may be helpful to complete a complaint form with the complainant's input to ensure full details of the complaint are documented. However, there is no requirement for the person to complete a complaint form, and it is important that the completion of a complaint form does not present a barrier to people complaining.

### **Complaint via digital platforms or social media**

- 2.3.3 Complaint issues may also be raised on **digital platforms** (including **social media**).
- 2.3.4 Where a complaint issue is raised via a digital channel managed and controlled by the University of Glasgow (for example an official Twitter address or Facebook page), we will explain that we do not take complaints on social media, but we will tell the person how they can complain.
- 2.2.5 We will always be mindful of our data protection obligations when responding to issues online or in a public forum. See **Part 1: Maintaining confidentiality and data protection**.

### 2.3 Time limit for making complaints

- 2.4.1 The complainant should raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
- 2.4.2 Where a complainant has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:
- within six months of when they first knew of the problem; or
  - within two months of receiving their stage 1 response (if this is later).
- 2.4.3 We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the complainant or useful learning for the institution.
- 2.4.4 We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## 2.5 Particular circumstances

### Complaints by (or about) a third party

- 2.5.1 Sometimes a complainant may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a complainant, we must ensure that the complainant has authorised the person to act on their behalf. It is good practice to ensure the complainant understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.
- 2.5.2 The giving of personal consent usually means that the individual affected must give clear written authority for the third party to act on their behalf, acknowledging that in designating them to do this we will disclose details of any matter pertaining to the complaint to them. For our students, we will accept an email from their University of Glasgow email address outlining this. If we consider it is appropriate we can take verbal consent direct from the complainant to deal with a third party and would normally follow up in writing to confirm this.
- 2.5.3 In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.
- 2.5.4 See also **Part 1: Maintaining confidentiality and data protection**.

### Serious, high-risk or high-profile complaints

- 2.5.5 We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2 (see **Part 3: Stage 2: Investigation**).
- 2.5.6 We define potential high-risk or high-profile complaints as those that may:
- involve a death or terminal illness
  - involve serious service failure, for example major delays in service provision or repeated failures to provide a service
  - generate significant and on-going press interest
  - pose a serious operational risk to the Institution; or
  - present issues of a highly sensitive nature.



## Anonymous complaints

- 2.5.7 We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be taken by the Complaints Resolution Office and or an appropriate manager.
- 2.5.8 If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.
- 2.5.9 If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

## What if the person does not want to complain?

- 2.5.10 If someone has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage them to submit their complaint and allow us to handle it through the CHP. This will ensure they are updated on the action taken and get a response to their complaint.
- 2.5.11 If the person insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

## Complaints involving more than one area or organisation

- 2.5.12 If a complaint relates to the actions of two or more departments / faculties / schools, we will tell the complainant who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised. The nature of the complaint may also require parallel procedures to be initiated (such as academic appeal or disciplinary procedures). See **Complaints and appeals**.
- 2.5.13 If we receive a complaint about the service of another organisation or public service provider, but we have no involvement in the issue, the complainant should be advised to contact the appropriate organisation directly.
- 2.5.14 If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about the University of Glasgow through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. See **Part 1: Maintaining confidentiality and data protection**.
- 2.5.15 Such complaints may include, for example:

- a complaint made in relation to provision of third-party services, for example IT systems
- a complaint made about a service that is contracted out, such as catering services; or
- a complaint made to the institution about a student loan where the dissatisfaction relates to the service we have provided and the service the Student Awards Agency for Scotland has provided.

### **Complaints about contracted services**

2.5.16 Where we use a contractor to deliver a service on our behalf we recognise that we remain responsible and accountable for ensuring that the services provided meet the University of Glasgow's standard (including in relation to complaints). We will either do so by:

- ensuring the contractor complies with this procedure; or
- ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor will ensure that the complainant is signposted to the SPSO.

2.5.17 We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

2.5.18 The University of Glasgow has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

### **Complaints about senior staff**

2.5.19 Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We will ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

### **Complaints and other processes**

2.5.20 Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

### **Complaints and appeals**

2.5.21 In some cases, an issue may be raised as a complaint which should be considered under alternative arrangements (for example, an academic appeal or fitness to practise



appeal), or vice versa. Complaints and appeals are handled under separate processes. It is not appropriate for the same issue to be considered under both procedures. A challenge to an academic judgement or an appeal against a decision concerning progress, assessment or award is not a complaint. However, if there are concerns about the quality of supervision or teaching which the complainant considers contributed to a failure to achieve a required academic standard, these aspects should be considered under the Complaints Handling Procedure.

- 2.5.22 Where the complaint and appeal issues can be clearly distinguished, we will identify the points to be investigated as a complaint and progress those in line with this procedure. This will include confirming the points of complaint and outcomes sought. We will also identify and set out the issues of appeal.
- 2.5.23 In determining which process applies, we may need to clarify our approach with the complainant (for example, where the complainant is focussed solely on the appeal outcome they may not wish to also pursue a complaint). However, we will not normally ask the complainant to resubmit issues they have already raised (for example, to reframe part of their appeal as a complaint).
- 2.5.24 We may also decide to complete consideration under one procedure before considering residual issues under another procedure (for example, we may delay consideration of any complaint until the academic appeal has been concluded, or vice versa). This would normally only be appropriate where it is difficult to distinguish which issues should be dealt with under which procedure.
- 2.5.25 In all cases, we will explain to the student which issues have been considered under which process, and signpost them to the appropriate independent review.

### **Complaints and student conduct procedures**

- 2.5.26 A concern about the conduct of another student is not a complaint, and should be handled under the Code of Student Conduct. However, the person may wish to complain about how the University of Glasgow handled the situation (for example, where a teacher allowed a student's behaviour to disrupt a class or exam). Where the complaint is about our service, we will consider it under the CHP.

### **Complaints and service requests**

- 2.5.27 If someone asks the University of Glasgow to do something (for example, provide a service or deal with a problem), and this is the first time they have contacted us, this would normally be a routine service request and not a complaint.
- 2.5.28 Service requests can lead to complaints, if the request is not handled promptly or the person is then dissatisfied with how we provide the service.

### **Complaints and staff disciplinary or whistleblowing processes**

- 2.5.29 The University is committed to protecting the dignity of students, staff and visitors in their interactions with others.

<https://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/dignityworkstudyover/>

- 2.5.30 Concerns raised by students regarding conduct of staff may lead to different formal processes, such as the University's Grievance or Disciplinary procedures.
- 2.5.31 If the issues raised in a complaint overlap with issues raised under a staff disciplinary or whistleblowing process, we still need to respond to the complaint.
- 2.5.32 Our response will be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus on whether the University of Glasgow failed to meet our expected standards and what we have done to improve things, in general terms.
- 2.5.33 Staff investigating such complaints should take extra care to ensure that:
- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
  - all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
  - we keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).
- 2.5.34 The SPSO's report [Making complaints work for everyone](#) has more information on supporting staff who are the subject of complaints.

### **Contact from MPs, MSPs or Councillors**

- 2.5.35 Complaints are sometimes brought by on behalf of complainants by elected member (see complaints raised by third parties). Where a matter is being dealt with as a complaint, it will be handled in line with this CHP. Sometimes enquiries are made by elected members (on behalf of constituents). The Information Commissioner's Office has guidance on elected members in relation to seeking third party consent: <https://ico.org.uk/media/for-organisations/documents/1432063/constituency-casework-of-mps-and-the-processing-of-sensitive-personal-data.pdf>.

### **Complaints and compensation claims**

- 2.5.36 Where someone is seeking financial compensation only, this is not a complaint. However, in some cases the person may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

### **Complaints and legal action**

- 2.5.37 Where a complainant says that legal action is being actively pursued, this is not a complaint.
- 2.5.38 Where a complainant indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the Complaints Resolution Office and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints will still be addressed through the CHP.
- 2.5.39 If an issue has been, or is being, considered by a court, we will not consider the same issue under the CHP.

### **What to do if the CHP does not apply**

- 2.5.40 If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the complainant why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.
- 2.5.41 Where a complainant continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our Code of Unacceptable Behaviour.

## The University of Glasgow Complaints Handling Procedure

Adapted from the Scottish Higher Education Model Complaints Handling Procedure as set out by the Scottish Public Service Ombudsman (SPSO)

### Part 3: The complaints handling process

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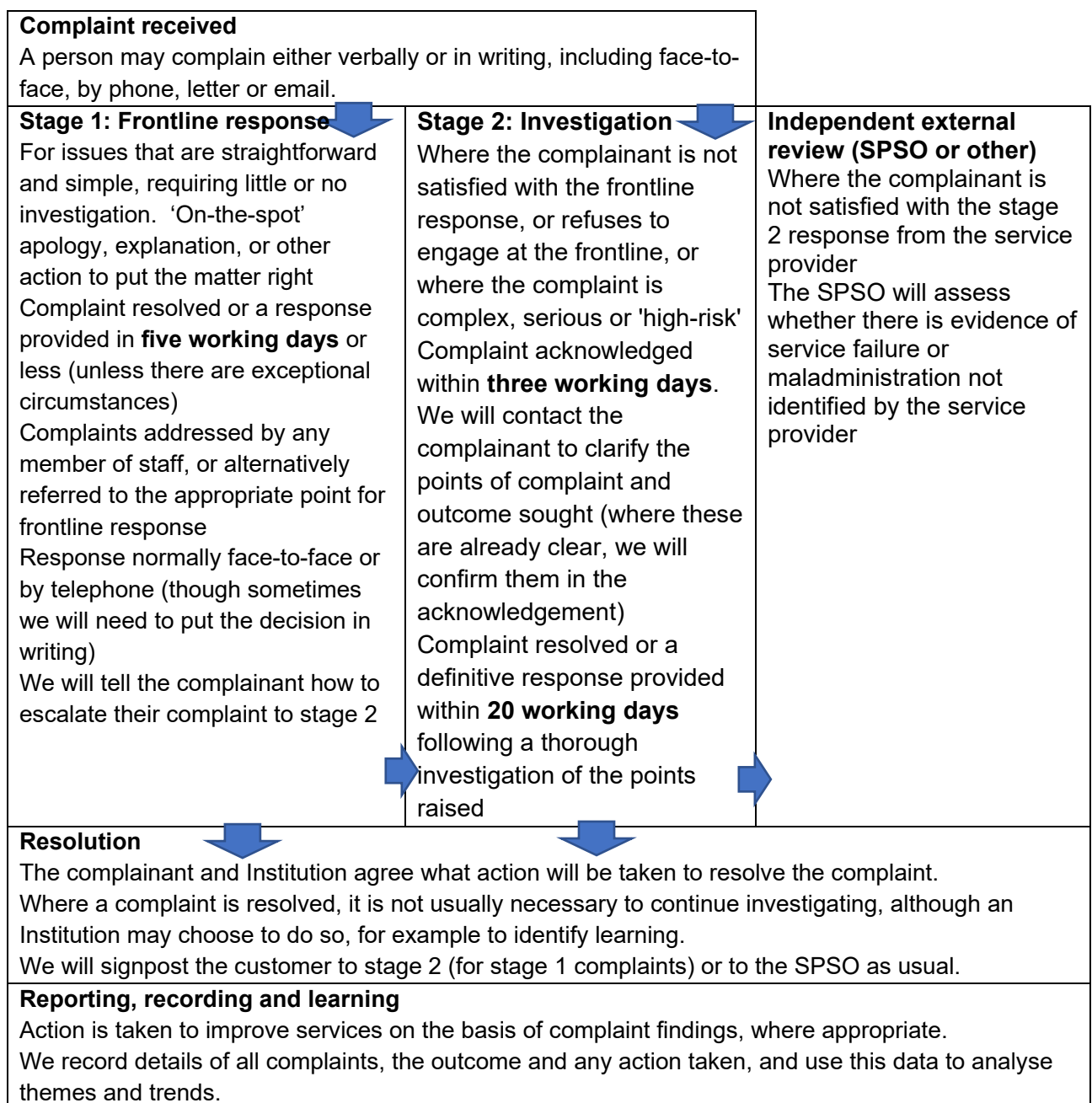


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## Part 3: The complaints handling process

### 3.1 The complaints handling process

3.1.1 Our Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the complainant's satisfaction. Where this is not possible, we will give the complainant a clear and reasoned response to their complaint.



Senior management have an active interest in complaints and use complaints data and analysis to improve services.  
Learning is shared throughout the Institution.

### 3.2 Resolving the complaint

- 3.2.1 A complaint is **resolved** when both the University of Glasgow and the complainant agree what action (if any) will be taken to provide full and final resolution for the complainant, without making a decision about whether the complaint is upheld or not upheld.
- 3.2.2 We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.
- 3.2.3 A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the complainant or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.
- 3.2.4 It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. See **Alternative complaint resolution approaches**.
- 3.2.5 Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There will be a clear record of how the complaint was resolved, what action was agreed, and the complainant's agreement to this as a final outcome. In some cases it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.
- 3.2.6 In all cases, we will record the complaint outcome (resolved) and any action taken, and signpost the complainant to stage 2 (for stage 1 complaints) or to the SPSO as usual (see **Signposting to the SPSO**).
- 3.2.7 If we are not able to agree a resolution with the complainant, we will follow this CHP to provide a clear and reasoned response to each of the issues raised.

### 3.3 What happens when we receive a complaint?

- 3.3.1 Members of staff receiving a complaint should consider four key questions. This will help them to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:



### What exactly is the complaint (or complaints)?

- 3.3.2 It is important to be clear exactly what the complaint is about. We may need to ask the complainant for more information and probe further to get a full understanding.
- 3.3.3 We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.
- 3.3.4 If the matter is not suitable for handling as a complaint, we will explain this to the complainant (and signpost them to SPSO). There is detailed guidance on this step in **Part 2: When to use this procedure**.
- 3.3.5 In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2 (see **Stage 2: Investigation**).

### What does the complainant want to achieve by complaining?

- 3.3.6 At the outset, we will clarify the outcome the complainant wants. Of course, the complainant may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.

### Can I achieve this, or explain why not?

- 3.3.7 If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explain why they cannot achieve it, they should do so.
- 3.3.8 The complainant may expect more than we can provide. If so, we will tell them as soon as possible.
- 3.3.9 Complaints which can be resolved or responded to quickly should be managed at stage 1 (see **Stage 1: Frontline response**).

### If I cannot respond, who can help?

- 3.3.10 If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly. If you need guidance or advice about a complaint, contact the Complaints Resolution Office: [complaints@glasgow.ac.uk](mailto:complaints@glasgow.ac.uk).
- 3.3.11 If it is not a simple and straightforward complaint that can realistically be closed within five working days (or ten, if an extension is appropriate), it should be handled immediately at stage 2. If the complainant refuses to engage at stage 1, insisting that they want their complaint investigated, it should be handled immediately at stage 2. See **Stage 2: Investigation**.



### 3.4 Stage 1: Frontline response

- 3.4.1 Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.
- 3.4.2 Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
- 3.4.3 We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we will consider the [SPSO guidance on apology](#).
- 3.4.4 Complaints which are not suitable for frontline response should be identified early and handled immediately at stage 2: investigation.

#### Notifying staff members involved

- 3.4.5 If the complaint is about the actions of another staff member, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

#### Timelines

- 3.4.6 Frontline response must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received after 4pm, on a weekend or public holiday). Academic holidays should be counted as normal working days (except for weekends or public holidays and closure days<sup>1</sup>).

#### Extension to the timeline

- 3.4.7 In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with the Complaints Resolution Office. We will tell the complainant about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than **ten working days** in total from the date of receipt).
- 3.4.8 Where clarification or consent is required in order for us to process the complaint, in line with the CHP, the timeframe for responding will start on the day this is received.

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<sup>1</sup> [link to public holidays dates]

3.4.9 If a complaint will take more than five working days to look into, it should be handled at stage 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at stage 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.

3.4.10 If a complaint has not been closed within ten working days, it should be escalated to stage 2 for a final response.

3.4.11 **Appendix 1** provides further information on timelines.

### **Closing the complaint at the frontline response stage**

3.4.12 If we convey the decision face-to-face or on the telephone, we are not required to write to the complainant as well, although in most cases a brief summary of any action/resolution will be provided.

3.4.13 We will:

- tell the complainant the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
- explain the reasons for our decision (or the agreed action taken to resolve the complaint; see **Resolving the complaint**); and
- explain that the complainant can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the complainant has completed stage 2).

3.4.14 We will keep a full and accurate record of the decision given to the complainant. If we are not able to contact the complainant by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.

3.4.15 If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

3.4.16 The complaint should then be closed and the complaints system updated accordingly.

3.4.17 At the earliest opportunity after the closure of the complaint, the staff member/team handling the complaint should consider whether any learning has been identified. See **Part 4: Learning from complaints**.

### 3.5 Stage 2: Investigation

3.5.1 Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:

- the complainant is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless

exceptional circumstances apply, the complainant must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later (see **Part 2: Time limits for making a complaint**)

- the complaint is not simple and straightforward (for example where the complainant has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or
- the complaint relates to serious, high-risk or high-profile issues (see **Part 2: Serious, high-risk or high-profile complaints**).

3.5.2 An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the complainant a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint. Stage 2 complaints are managed by and normally investigated by the Complaints Resolution Office.

3.5.3 Details of the complaint will be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.

3.5.4 At the beginning of stage 2 we will consider whether complaint resolution approaches other than investigation may be helpful (see **Alternative complaint resolution approaches**).

### **Acknowledging the complaint**

3.5.5 Complaints will be acknowledged within three working days of receipt at stage 2.

3.5.6 We will issue the acknowledgement in a format which is accessible to the complainant, taking into account their preferred method of contact, where specified.

3.5.7 Where the points of complaint and expected outcomes are clear from the complaint, we will set these out in the acknowledgement and ask the complainant to get in touch with us immediately if they disagree. See **Agreeing the points of complaint and outcome sought**.

3.5.8 Where the points of complaint and expected outcomes are not clear, we will contact the complainant to seek clarification.

### **Agreeing the points of complaint and outcome sought**

3.5.9 It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the complainant is seeking. We may also need to manage the complainant's expectations about the scope of our investigation.

- 3.5.10 Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the complainant when acknowledging the complaint (see **Acknowledging the complaint**).
- 3.5.11 Where the points of complaint and outcome sought are not clear, we will contact the complainant to confirm these. We will normally need to speak to the complainant (by phone or face-to-face) to do this effectively. In some cases, it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the complainant have a shared understanding of the complaint. When contacting the complainant, we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the complainant.
- 3.5.12 In all cases, we must have a clear shared understanding of:

### **What are the points of complaint to be investigated?**

- 3.5.13 While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.
- 3.5.14 We will make every effort to agree the points of complaint with the complainant (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the points of complaint (for example, if the complainant insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). We will manage any such cases in accordance with our Code of Practice on Unacceptable Behaviour, bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

### **Is there anything we can't consider under the CHP?**

- 3.5.15 We will explain if there are any points that are not suitable for handling under the CHP (see Part 2: What to do if the CHP does not apply).

### **What outcome does the complainant want to achieve?**

- 3.5.16 Asking what outcome the complainant is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

### **Are the complainant's expectations realistic and achievable?**

- 3.5.17 It may be that the complainant expects more than we can provide, or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the complainant as soon as possible.

## Notifying staff members involved

3.5.18 If the complaint is about the actions of a particular staff member/s, we will notify the staff member/s involved (including where the staff member is not named, but can be identified from the complaint).

3.5.19 We will:

- share the complaint information with the staff member/s (unless there are compelling reasons not to)
- advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
- discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
- signpost the staff member/s to a contact person who can provide support (this must not be the person investigating or signing off the complaint response).
- information on what to expect from the complaint process is available from the Complaints Resolution Office.

3.5.20 If it is likely that internal disciplinary processes may be involved, the Complaints Resolution Office will work with colleagues in Human Resources to ensure that obligations under HR processes and the CHP are met. See also the section entitled

<https://www.gla.ac.uk/myglasgow/humanresources/mgrs-admin/employee/disciplinary/>

See also Part 2: Complaints and disciplinary or whistleblowing processes.

## Investigating the complaint

3.5.21 It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:

- what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
- what should have happened? (this should include any relevant policies or procedures that apply); and
- is there a difference between what happened and what should have happened, and is the University of Glasgow responsible?

3.5.22 In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).

3.5.23 If we need to share information within or outwith the Institution, we will be mindful of our obligations under data protection legislation. See Part 1: Maintaining confidentiality and data protection.

## Alternative complaint resolution approaches

- 3.5.24 Some complex complaints, or complaints where complainants and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.
- 3.5.25 Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the complainant's desired outcome.
- 3.5.26 The SPSO has [guidance on alternative complaint resolution approaches](#)
- 3.5.27 If we and the complainant (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

## Meeting with the complainant during the investigation

- 3.5.28 To effectively investigate the complaint, it may be necessary to arrange a meeting with the complainant. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.
- 3.5.29 As a matter of good practice, a written record of the meeting should be completed and provided to the complainant. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

## Timelines (Stage 2)

- 3.5.30 The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received after 4pm, on a weekend or public holiday). Academic holidays should be counted as normal working days (except for weekends or public holidays and closure days).
- 3.5.31 Where clarification or consent is required in order for us to process the complaint, in line with the CHP, the timeframe for responding will start on the day this is received.
- Complaints will be acknowledged within **three working days**
  - a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.



## Extension to the timeline

3.5.32 Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the complainant about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the complainant and will always try to avoid undue delays.

3.5.33 Any extension must be approved by an appropriate manager. We will keep the complainant and any member/s of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the complainant and any member/s of staff complained about at least once every 20 working days to update them on the progress of the investigation.

3.5.34 The reasons for an extension might include the following:

- the volume of documentation to be considered, number of responses to the complaint to be obtained),
- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff or others but the person is not available because of long-term sickness or leave
- we cannot obtain further essential information within normal timescales; or
- the complainant has agreed to alternative complaint resolution approaches as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

3.5.35 **Appendix 1** provides further information on timelines.

## Closing the complaint at the investigation stage

3.5.36 The response to the complaint should be in writing (or by the complainant's preferred method of contact) and must be signed off by a manager or officer who is empowered to provide the final response on behalf of the University of Glasgow. Normally this sign off will be by the Executive Director of Student and Academic Services, or Chief Operating Officer.

3.5.37 We will tell the complainant the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). We aim to ensure responses to complaints:

- are clear and easy to understand, written in a way that is person-centred and non-confrontational
- avoid technical terms, but where these must be used, an explanation of the term should be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy: see [the SPSO's guidance on apology](#))

- highlight any area of disagreement and explain why no further action can be taken
- indicate that a named member of staff is available to clarify any aspect of the letter; and
- indicate that if they are not satisfied with the outcome of the local process, they may seek a review by the SPSO (see **Signposting to the SPSO**).

3.5.38 Where a complaint has been **resolved**, the response does not need to provide a decision on all points of complaint but should instead confirm the resolution agreed. See **Resolving the complaint**.

3.5.39 If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

3.5.40 We will record the decision, and details of how it was communicated to the complainant, on the complaints system.

3.5.41 At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See **Part 4: Learning from complaints**.

### 3.6 Signposting to the SPSO

3.6.1 Once the investigation stage has been completed, the complainant has the right to approach the SPSO if they remain dissatisfied. We will make clear to the complainant:

- their right to ask the SPSO to consider the complaint
- the time limit for doing so; and
- how to contact the SPSO.

3.6.2 The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are outwith the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses will be signpost to the SPSO.

3.6.3 The SPSO recommends that we use the wording in appendix 3 to inform complainants of their right to ask the SPSO to consider the complaint. This information should only be included in our final response to complaints.

### 3.7 Post-closure contact

3.7.1 If a complainant contacts us for clarification when they have received our final response, we may have further discussion with the complainant to clarify our response and answer their questions. However, if the complainant is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.



## The University of Glasgow Complaints Handling Procedure

Adapted from the Scottish Higher Education Model Complaints Handling Procedure as set out by the Scottish Public Service Ombudsman (SPSO)

### Part 4: Governance

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## Part 4: Governance

### 4.1 Roles and responsibilities

#### 4.1.1 All staff will be aware of:

- the Complaints Handling Procedure (CHP)
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

#### 4.1.2 Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.

#### 4.1.3 Senior management will ensure that:

- The University of Glasgow's final position on a complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is the definitive response of the University of Glasgow and that the complainant's concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in [the Institution]; and
- complaints information is used to improve services, and this is evident from regular publications.

#### 4.1.4 The Principal provides leadership and direction to the University. This includes ensuring that there is an effective Complaints Procedure with a robust investigation process which demonstrates that organisational learning is in place. The Principal may delegate responsibility for the procedure but must receive assurance of complaints performance by way of regular reporting. They should also ensure that complaints are used to identify service improvements, and that these improvements are implemented, and learning fed back to the wider organisation as appropriate.

#### 4.1.5 The Principal provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective Complaints Handling Procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Principal may delegate responsibility for the CHP to senior staff. Regular management reports assure the Principal of the quality of complaints performance.

- 4.1.6 The Principal is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:
- ensuring performance monitoring for complaints is a feature of the service/management agreements between [the institution] and contractors
  - setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide [the institution] with an overview of how the contractor is meeting its objectives
- 4.1.7 Executive Director of Student and Academic Services: As a senior officer they have delegated responsibility for complaints handling including responsible for signing response letters to complainants. They therefore must be satisfied that appropriate resolution has been reached and that the response addresses all aspects of the complaint the investigation is complete.
- 4.1.8 Heads of school/college/service: Will be involved in complaint resolution and may be involved in the local operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing decision letters to complainants, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.
- 4.1.9 Complaints investigator: The complaints investigator is responsible and accountable for the management of the investigation. They may work as part of centralised team in the Complaints Resolution Office or in a particular school/college/service or as part of a centralised team, and will be involved in the investigation and in coordinating all aspects of the response to the complainant. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the Institution. This also requires clear direction and support from senior management on the extent and limits of discretion and responsibilities in investigating and resolving complaints, including the ability to identify failings, take effective remedial action and apologise, where it is appropriate to do so.
- 4.1.10 Complaints Assessors: At least two Academic Assessors for Complaints will assist the Principal and the Deputy Secretary in the discharge of their responsibilities in relation to the Complaints Procedure, this may include providing advice and expertise to complaint investigations and, where appropriate, acting as complaint investigator.
- 4.1.11 The Complaints Resolution Office: is responsible for ensuring all new staff receive training on the CHP as part of the induction process, and that refresher training is provided for current staff on a regular basis.
- 4.1.12 The Institution's SPSO liaison officer: Our SPSO liaison officer's role may include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

## 4.2 Recording, reporting, learning from and publicising complaints

- 4.2.1 Complaints provide valuable feedback. One of the aims of the CHP is to identify opportunities to improve services across [the institution]. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.
- 4.2.2 We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

### Recording complaints

- 4.2.3 We record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:
- the complainant's name and contact details
  - the date the complaint was received
  - the nature of the complaint
  - the service the complaint refers to
  - staff member responsible for handling the complaint
  - action taken and outcome at frontline response stage
  - date the complaint was closed at the frontline response stage
  - date the investigation stage was initiated (if applicable)
  - action taken and outcome at investigation stage (if applicable)
  - date the complaint was closed at the investigation stage (if applicable); and
  - the underlying cause of the complaint and any remedial action taken.
  - the outcome of the SPSO's investigation (where applicable).
- 4.2.4 If the complainant does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.
- 4.2.5 Individual complaint files will be stored in line with our document retention policy.

### Learning from complaints

- 4.2.6 We have clear systems in place to act on issues identified in complaints. As a minimum, we will:
- seek to identify the root cause of complaints
  - take action to reduce the risk of recurrence; and
  - systematically review complaints performance reports to improve service delivery.
- 4.2.7 Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.
- 4.2.8 Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action. We will:

- the action needed to improve services must be authorised by an appropriate manager
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
- any learning points should be shared with relevant staff.

4.2.9 Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

### **Reporting of complaints**

4.2.10 We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

4.2.11 We will report at least quarterly to senior management and at least annually to the governing body on:

- performance statistics, in line with the complaints performance indicators published by SPSO
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

### **Publicising complaints information**

4.2.12 We will publish information on complaints outcomes and actions taken to improve services. The focus is on improving positive communication on the value of complaining and demonstrating examples of how complaints have helped improve services.

4.2.13 This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show that we value complaints.

4.2.14 We will publish an annual complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and

- complaint trends and the actions that have been or will be taken to improve services as a result.

4.2.15 These reports will be made easily accessible to members of the public and available in alternative formats as requested.

## The University of Glasgow Complaints Handling Procedure

Adapted from the Scottish Higher Education Model Complaints Handling Procedure as set out by the Scottish Public Service Ombudsman (SPSO)

### Part 5: University of Glasgow complaints procedure – a guide for students

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**We value complaints and use information from them to help us improve our services.**

The University of Glasgow is committed to providing an excellent education and high-quality services to our students from admission to graduation. We also aim to provide high-quality services to all other stakeholders and to maintain good relations with the local community.

This procedure operates in accordance with the University's Equality & Diversity Policy which requires that complainants will be treated fairly and consistently without discrimination.

Students should be aware that the Complaints Handling Procedure is not the only means of raising concerns with the University. For instance, concerns about the quality or organisation of programmes of study might most effectively be referred in the first instance to the appropriate Staff/Student Committee through the Class/Year Representative or the Students' Representative Council (SRC) representative for the relevant area. Students can also discuss matters informally with the Head of School, Head of the Administrative Department or Support Service, an Adviser of Studies, Supervisor, Course Co-ordinator, College Administrator or other member of staff without invoking the Complaints Handling Procedure.

Further details of our Complaints Handling Procedure can be found here [\[LINK\]](#)

1. If something goes wrong or you are dissatisfied with our services, please tell us. This document describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

**What is a complaint?**

2. We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

**What can I complain about?**

3. You can complain about things like:
  - failure or refusal to provide a service
  - inadequate quality or standard of service, or an unreasonable delay in providing a service
  - the quality of facilities or learning resources
  - dissatisfaction with one of our policies or its impact on the individual (although it is recognised that policy is set at the discretion of the university)
  - failure to properly apply law, procedure or guidance when delivering services
  - failure to follow the appropriate administrative process
  - conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves),; or
  - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).
4. Your complaint may involve more than one *University of Glasgow School or service* or be about someone working on our behalf.



### What can't I complain about?

5. There are some things we can't deal with through our complaints handling procedure. These include:

- a request for information or an explanation of policy or practice
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire or committee membership
- a concern about student conduct
- a routine first-time request for a service
- a request for compensation only
- an insurance claim
- issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector (such as an appeal about an academic decision on assessment or admission)
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts, or the Environmental Information Regulations
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- concerns about services outwith the University's delegated responsibilities (e.g. conference and accommodation services to commercial clients)
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our University or staff where such actions would be covered by our *Code of Unacceptable Behaviour* or
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf).

6. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

### Who can complain?

7. Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on **Getting help to make your complaint** below.

### How do I complain?

8. You can complain in person our office, by phone, in writing, by email *[or via our complaints form [LINK](#)]*.

9. It is easier for us to resolve complaints if you make them quickly and directly to the service concerned. Where possible, your concerns should be raised with the relevant staff member, tutor, university representative or school office. Then they can try to address the issue.

10. When complaining, please tell us:

- your full name and contact details
- as much as you can about the complaint
- what has gone wrong; and
- what outcome/resolution you are seeking.

### **How long do I have to make a complaint?**

11. Normally, you must make your complaint within six months of:

- the event you want to complain about; or
- finding out that you have a reason to complain.

12. In some circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why. We will apply these time limits with discretion, considering the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the complainant or useful learning for the institution.

### **What happens when I have complained?**

13. We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

#### **Stage 1: Frontline response**

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14. We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

15. We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.

16. If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask us to consider your complaint at stage 2 either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your stage 1 response (if this is later).

17. In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

## Stage 2: Investigation

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18. Stage 2 deals with two types of complaint: those where the complainant remains dissatisfied after stage 1 and those that clearly require investigation, and so are handled directly at this stage.

19. When using stage 2:

- we will acknowledge receipt of your complaint within three working days
- we will confirm our understanding of the complaint we will investigate and what outcome you are looking for
- we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
- where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

20. If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

## What if I'm still dissatisfied?

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21. After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

You can ask the SPSO to look at your complaint if:

- you have gone all the way through the *[university]*'s complaints handling procedure
- it is less than 12 months after you became aware of the matter you want to complain about; and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online at [www.spsso.org.uk/complain/form](http://www.spsso.org.uk/complain/form) or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on **Getting help to make your complaint** below.



The SPSO's contact details are:

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS  
(if you would like to visit in person, you must make an appointment first)

Their freepost address is:  
FREEPOST SPSO

Freephone: 0800 377 7330  
Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)  
Website: [www.spsso.org.uk](http://www.spsso.org.uk)

## Getting help to make your complaint

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22. We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

23. In order for us to accept a complaint from someone acting on your behalf, you must confirm the name of the person you are consenting to making the complaint for you and confirm that you are aware they may be given full detail on any matters we consider relevant to the complaint, as part of our response. We will not fully communicate with anyone making a complaint on behalf of someone else until we are satisfied we have an appropriate level of consent from the person they are making the complaint on behalf of.

24. Useful contact details:

*There are a variety of support services available to students:*

- *Reach Out [www.gla.ac.uk/myglasgow/students/reachout/](http://www.gla.ac.uk/myglasgow/students/reachout/)*
- *Student Support Services [www.gla.ac.uk/study/studentlife/support/](http://www.gla.ac.uk/study/studentlife/support/)*
- *Safety, health and wellbeing available here:  
[www.gla.ac.uk/myglasgow/students/safetyhealth/](http://www.gla.ac.uk/myglasgow/students/safetyhealth/)*
- *There are a number of support services available which can provide helpful support to those who wish to pursue a complaint with the University.*
- *The SRC Advice Centre is an advice, information and representation service provided by the Students' Representative Council (SRC) for all Glasgow University students. The Advice Centre offers free and confidential advice.*
- <https://www.glasgowstudent.net/advice/>

*Information on harassment and bullying is provided in the Dignity at Work and Study Policy.*

- <https://www.gla.ac.uk/myglasgow/humanresources/equalitydiversity/dignityworkstudyover/>

*International students may seek advice from the International Student Adviser.*

- <https://www.gla.ac.uk/international/support/contact/>

*Research students may seek advice from their Graduate School Administrator.*

**25.** We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please contact us.

**26.** Please contact us by the following means:

Website: <https://www.gla.ac.uk/connect/complaints/>

Ivanti link

By email: [complaints@glasgow.ac.uk](mailto:complaints@glasgow.ac.uk)

By telephone: 0141 330 xxx

In person or writing: The Complaints Resolution Office, Gilbert Scott Building, University of Glasgow, Glasgow, G12 8QQ.

## ANNEX G



### Personal Relationships Policy

This policy sets out the University's expectations and requirements regarding close personal relationships between members of the University community. It is designed to safeguard professional relationships and ensure that all in the University community are confident that relationships will be conducted with integrity. Additionally it supports our commitment to create an environment within which the University is able to exercise its duty of care to all staff and students.

This policy should be read in conjunction with the relevant Privacy Notice.

#### 1. Principles

1.1 The University has a duty of care to protect students and staff from inappropriate behaviour (see Appendix A) which may include violence, abuse of power and trust, controlling/coercive and predatory behaviour, and sexual harassment.

1.2 The University believes that the professional relationship of trust and confidence that exists between a student and a member of staff is a central and essential part of a student's educational development and pastoral care.

1.3 Staff are **required** to disclose any type of close personal relationship with a student, or any type of personal relationship with another member of staff which could be perceived as presenting a conflict of interest to the University (see Section 5.1). This will allow appropriate management of the situation and to avoid any actual or potential conflict of interest.

1.4 The University believes members of the university community have an obligation to act with professionalism, integrity and respect towards one another in all relationships. This includes staff/student social events which link to University business.

1.5 Those who work for the University must not abuse their position in any way, including by making any form of sexual advance towards students, pressurising students into intimate relationships, or through any form of sexual harassment, coercive/controlling or predatory behaviour (see Appendix A for further details).

1.6 All forms of non-consensual relationship are prohibited and may be subject to criminal investigation.

1.7 The University recognises the inherent imbalance of power between many staff and students, and therefore:

1.7.1 Intimate relationships between staff and students under the age of 18 are **prohibited**<sup>1</sup>;

1.7.2 Where students are over the age of 18, intimate relationships between staff and students are **strongly discouraged** in cases where there is a professional connection or proximity between the member of staff and the student; for example where the member of staff teaches or supervises in the same School or RI as the student. It is recognised that in some cases, there is little, or no, power imbalance between a member of staff and student,

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<sup>1</sup> Under the Sexual Offences Act 2009, it is potentially a criminal offence for any member of staff to have a sexual relationship with a student under the age of 18.

and in such cases the University would not wish to prevent relationships. This may apply where individuals work and study in different Colleges, or to staff in early career roles.

## 2. Scope

2.1 This policy covers close personal relationships which can include:

- Intimate relationships - including all sexual or romantic contact, whether in person and/or online or via means of other electronic or written communication, one-off or longer-term.
- Close friendships – this covers personal relationships which extend beyond usual work, study or extracurricular/leisure activities through which individuals may be acquainted. It therefore involves close friendships where individuals are well-acquainted, and engage frequently in activities together which are unrelated to work or study. It does not cover work-related group activity such as Friday-night socialising with colleagues.
- Family relationships – including partners, spouses and children.

2.2 'Member of staff' refers to any individual either employed or engaged by the University to carry out work for the University. It includes Undergraduate and Postgraduate students who work as employees, such as Graduate Teaching Assistants, Tutors and Demonstrators.

2.3 Student refers to any individual studying on any course of study at the University, including:

- Students who have accepted an offer of a place at University who have arrived on campus to start their programme and have not yet completed the formal registration process;
- Student officials in elected positions;
- Students on short courses;
- Students studying for an award of the University who spend any time off campus (such as work placement, year abroad, or summer school)<sup>2</sup>.
- Students who are registered as visiting postgraduate researchers.

## 3. Prohibited Behaviour

Inappropriate, coercive or predatory behaviour of a sexual nature (see Appendix A) is prohibited, and may be subject to criminal investigations.

3.1 For staff, such behaviour towards any other member of the University constitutes serious or gross misconduct and will be subject to [Disciplinary Procedure](#), the consequence of which can include dismissal from the University. This includes **but is not limited to** promising or alluding to rewards in return for sexual favours, or suggesting or threatening withdrawal of teaching or other forms of academic support if sexual access is not granted.

3.2 Any student who exerts sexual pressure over another student or a member of staff, or who behaves in a coercive, harassing or predatory manner towards another member of the University, will be subject to the University's [Code of Student Conduct](#), the consequences of which can include expulsion from the University.

3.3 Reporting mechanisms are:

3.3.1 Staff who witness or experience any inappropriate, coercive or predatory behaviour should report concerns to their Director of Research Institute or Head of School/Service.

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<sup>2</sup> This policy only covers staff and students working at the University of Glasgow, and not at other organisations.



Concerns about student behaviour may also be reported directly to the Senate Office (see Section 6 below).

3.3.2 Students who witness or experience any inappropriate, coercive or predatory behaviour are encouraged to report it to another member of staff (such as their Programme Leader, Adviser of Studies, Postgraduate Convenor, Director of Research Institute or Head of School/Service). Concerns about student behaviour may also be reported directly to the Senate Office (see Section 6 below).

3.3.3 Staff and students may report inappropriate behaviour at local level if they prefer. However, staff and students are also free to take their concerns directly to the Senate Office or Human Resources, or to submit a report to [complaints@glasgow.ac.uk](mailto:complaints@glasgow.ac.uk). Advice is also available from the University's [Respect Advisers](#).

3.3.4 All reports made under Section 3.3 above will be treated in confidence.

#### 4. Staff and Students – Personal Relationships

4.1 All close personal relationships (intimate, close friendship or family) **must be disclosed by the member of staff involved**. Staff must advise their Director of Research Institute or Head of School/Service, as appropriate. Students who are working at the University in non-sensitive roles, where power imbalances do not exist, are not required to disclose relationships with other students under this policy. Such roles include (but are not limited to) roles such as Hospitality workers, student ambassadors and University internships.

4.2 Failure by a member of staff to declare a personal relationship with a student may result in disciplinary action being taken. However, the University recognises that not all relationships, particularly if they are intimate will be reported. It is important that should someone subsequently experience harassment and/or bullying that they do not feel impeded in reporting simply because a previous relationship has not been declared. Therefore, staff should not avoid reporting bullying or harassment for fear of disciplinary action being taken for non-disclosure of a close personal relationship.

4.3 Students are **encouraged** to declare involvement in a relationship with a staff member to another member of staff in the University as soon as possible whether this is at any point during the relationship or after a relationship has ended. Students may approach any member of staff with this information (for example, their Programme Leader, Adviser of Studies, Director of Research Institute or Head of School). The above reporting routes allow students and staff to report at local level which they may prefer; however further advice on appropriate steps will be provided by the Senate Office, or Human Resources (see Guidance Note for Details).

4.4. Where a disclosure of a close personal relationship is made, the Director of Research Institute or Head of School/Service (or their line managers if involving them), or HR Director (for Senior Management Group members), will ensure measures are put in place to prevent actual or potential conflicts of interest, while dealing with the matter in a manner that aims to protect the dignity and privacy of all parties. The following will apply:

- The member of staff will have no involvement in the student's assessment (including Annual Progress Monitoring for PGR students);
- The member of staff will not take any direct individual responsibility for academic, administrative and/or pastoral or other support responsibilities for the student;



- Where the relationship is between a supervisor and their PGR student, the supervisor should be removed from the supervisory team wherever possible. Alternatively supervisory responsibilities should be organised to ensure that the member of staff is not the lead supervisor. If appropriate, appointing an additional member of the supervisory team should be considered. Where expertise is not available within the University, an external should be considered.
- A point of contact will be identified for the member of staff and student respectively, for example an HR Adviser and the Chief Adviser of Studies respectively.
- The member of staff and the student will be expected to comply with any reasonable decision or action.

4.5 If a member of the University becomes aware of, a close personal relationship between a member of staff and a student and is uncertain about what action to take, advice should be sought from their College/US HR team/Head of School/Service or Director of Research Institute. If a member of staff becomes aware of an intimate relationship between a member of staff and a student, and has concerns that this relationship might involve coercion, predatory behaviour or constitute an abuse of power, they should report their concerns to the Director of Research Institute or Head of School/Service who will liaise with HR to determine whether to initiate an independent investigation.

4.6 The person to whom the relationship is disclosed will report it to the Director of Research Institute or Head of School/Service where details will be recorded, and appropriate action taken. This will be shared with the involved parties and held securely on file compliant with data protection requirements. Individuals will have the right for details to be changed, should circumstances alter. A Privacy Notice and appropriate security measure are in place to ensure the data is restricted/limited to authorised personnel only.

## **5. Personal Relationships between Members of Staff – where a conflict of interest exists**

The purpose of this part of the policy is to ensure that the University is able to exercise its duty of care to all staff in their relationships at work, to avoid conflicts of interest and ensure appropriate transparency of management processes. The University only requires relationships to be declared between staff where there is a potential conflict of interest.

5.1 A conflict of interest between staff, and in terms of this policy, would include:

- line manager/supervisory role;
- recruiting a prospective staff member;
- working in the same team (this could be at any level in the University, including interdisciplinary teams);
- working on joint projects/partnerships between Schools/RIs/Services or;
- being involved in decision making in relation to the other person (i.e. Selection/PDR/Promotion/Funding application).

5.2 Close personal relationships between members of staff who have a supervisory or line management connection present a potential conflict of interest. Close personal relationships between members of staff where there is not a management connection, but where the nature of the roles undertaken results in close working relationships, may also present a conflict of interest and/or operational challenge.

5.3 All close personal relationships as defined in Section 1.1 above (intimate, close friendship or family), which create a conflict of interest, must be disclosed by the staff involved by reporting to their Director of Research Institute or Head of School/Service, or other relevant senior manager in the University structure.

5.4 Where a disclosure of a close personal relationship is made, the line manager(s) will consider, in consultation with the staff, ways in which any potential conflict of interest might be removed. For example this might include the option to move one individual to another work team or location or removing an individual from inappropriate decision making process. The line manager(s) will also talk to the staff involved about other/new colleagues who may need to be informed to guard against any perception of impropriety relating to the relationship. In responding to a declaration of a relationship between staff, care will be taken to avoid any potential impact on the career prospects of the individuals concerned. All reports of relationships will be recorded along with any agreed actions.

5.5 Failure to declare a personal relationship which creates a conflict of interest may result in disciplinary action. However, such disciplinary action would not be taken against a member of staff who also experienced harassment or bullying by someone with whom they had a previous or ongoing close personal relationship. Therefore, staff should not avoid reporting bullying or harassment for fear of disciplinary action being taken for non-disclosure of a close personal relationship.

5.6 Intimate relationships between members of staff can also give rise to situations where there is coercive or predatory behaviour. If intimate relationships arise between colleagues, and any person has concerns about any predatory or coercive element to such a relationship, they are encouraged to report or disclose this to their Director of Research Institute or Head of School/Service, or other relevant senior manager, who is obliged to ensure that such reports are recorded. An investigation may be undertaken in accordance with the University's [Disciplinary Procedure](#), as outlined in Section 3.

## **6. Student-Student Relationships**

The University does not seek to regulate relationships between students. However, any student who exerts sexual pressure over another student, or who behaves in a coercive, harassing or predatory manner towards another student, will be subject to the University's [Code of Student Conduct](#), the consequences of which can include expulsion from the University. Concerns about the nature of any relationship between students should be reported to the Senate Office ([senate-student-conduct@glasgow.ac.uk](mailto:senate-student-conduct@glasgow.ac.uk)). These shall be treated confidentially. If students prefer, they may raise such issues at local level in the first instance (e.g. with their Programme Leader, Adviser of Studies, Director of Research Institute or Head of School/Service). All such reports will be directed to the Senate Office to determine whether any action will be required under the [Code of Student Conduct](#).

## **7. Gifts**

7.1 The exchange of gifts from staff to students is strongly discouraged. If a staff member wants to give gifts to students, these should be consistent (i.e. all students should be treated in the same way), of modest value and appropriate. Where gifts given to student are of high value, or associated with a pattern of behaviour towards a particular student, or group of students, this may be subject to [Disciplinary Procedure](#).

7.2 If a student gives a gift to a member of staff, the staff member should demonstrate sound professional judgement when deciding to accept the gift. If the gift is inappropriate or of significant value then they should not accept the gift, and/or suggest an appropriate form of showing appreciation.

7.3 If a student or staff member is concerned about a gift offered to them, they can seek guidance from their Programme Leader, Adviser of Studies, and Director of Research Institute or Head of School/Service.

## **8. Complaints in relation to this policy**

If a member of staff or student is unhappy with the way the University has responded to a disclosure of a relationship – prohibited, or otherwise:

- A student may raise a complaint about a staff member with the Director of Research Institute or Head of School/Service or via the complaints process (contact [complaints@glasgow.ac.uk](mailto:complaints@glasgow.ac.uk)).
- A staff member may raise the matter with a senior manager and/or Human Resources or initiate the [Grievance Procedure](#).

## Appendix A

### Definitions

The policy has used the term 'inappropriate relationship'; by this the University means any of the definitions below and any relationship with an under 18 year old, or a relationship which has a power imbalance where the relationship is undeclared.

**Sexual violence** is a non-legal phrase used as an umbrella term to refer to, and include different sexual offences.

**Sexual harassment** is defined in the Equality Act 2010 as unwanted conduct of a sexual nature which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The types of behaviours or conduct which make up sexual harassment are varied and may include: verbal harassment such as whistling, catcalling, sexual comments, sexual innuendo, telling sexual jokes and stories, spreading rumour about a person's sex life; nonverbal harassment such as looking someone up and down, displaying pictures of a sexual nature, sending emails containing sexual content, making sexual gestures, and asking for sexual favours.

**Sexual assault** is a criminal offence<sup>3</sup> and includes, for example, physical unwanted sexual advances, kissing, touching, hugging, stroking, patting of someone's clothes, body, hair, and rubbing up against someone, where the touching is sexual.

**Harassment and stalking**<sup>4</sup> includes behaviour such as watching, spying, monitoring use of electronic communications, interfering with another's property, publishing material relating to a person or purporting to originate from a person. In addition the act of stalking which puts a person in fear of violence or causes serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities.

**Controlling and/or coercive behaviour** is defined as repeatedly or continuously engaging in controlling or coercive behaviour towards an intimate (or ex) partner or family member which has a serious effect on them. 'Serious effect' means that it causes them to fear that violence will be used against them, or it causes them serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities (such as socialising, working patterns, mental or physical health deterioration).

Further and more detailed definitions and relations to the legal system can be found in the [\*Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students\*](#). This includes definitions for domestic violence, revenge porn, rape and sexual assault by penetration.

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<sup>3</sup> <https://www.legislation.gov.uk/asp/2009/9/section/3>

<sup>4</sup> <https://www.legislation.gov.uk/asp/2010/13/section/39>

## Appendix B

### University procedures where cases of inappropriate intimate relationships are disclosed

In all cases where an inappropriate relationship is reported, the student or member of staff will be offered guidance and support. The individual concerned will have the opportunity to consider their options as follows:

1. Refer the matter to the Police (where the case disclosed includes allegations of potentially criminal behaviour);
2. Not refer to the Police but request the University to investigate;
3. Take no formal action.

In the case of 1) above, formal University procedures will normally be suspended pending the conclusion of the criminal investigation. However interim measures may be taken including the suspension of staff or students.

For 2) above, the matter may be investigated through the University's Complaints Procedure, or the Staff Disciplinary Procedure, or under the Code of Student Conduct. In all cases the matter will be handled confidentially and sensitively, and only subject to one investigative process. In most cases it will not be possible to preserve anonymity in the course of an investigation. However, the person reporting the inappropriate relationship will not be required to meet with the other party involved in the relationship, and while being given ample opportunity to present information to the investigation, will not be required to repeat sensitive information to multiple parties. Measures will also be taken to prevent, or limit, contact between the parties involved in the relationship.

In some cases the person involved in the relationship will choose not to take forward a formal complaint to the University, or to seek a formal investigation. In such cases no investigation or action will be taken which reveals the identity of the person concerned. However the University may take appropriate action relevant to the circumstances – such as staff development or awareness raising activity.

Subject to compliance with its obligations under applicable data protection legislation, the University may share information with respect to the outcome of internal procedures, and the events giving rise to the relevant procedure, to the police or other relevant third parties where it is deemed necessary by the University for reasons of public interest or safety or where it is obliged by law to do so.

### Document Control

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<b>Drafted by</b>	Mhairi Taylor – E&D Manager, Helen Butcher – Assistant Director, Senate Office
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