

 <p>S P Jain London School of Management LONDON</p>	Dealing with unacceptable behaviour
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Dealing with Unacceptable Behaviour: Guidance for Students and Staff

1 Introduction

- 1.1 The SP Jain London School of Management (the School) is committed to providing an environment where all students are welcomed and treated with respect. Students should also feel safe both within the School and when using its online platforms.
- 1.2 This guidance is aimed at helping students decide what to do if they consider that they have been affected by unacceptable behaviour by staff or another student. Any student in this position should contact Student Services if they wish to access support.

2 What constitutes unacceptable behaviour?

- 2.1 Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. It could also be sexual misconduct or harassment. Sexual misconduct which is any unwanted or attempted unwanted conduct of a sexual nature.
- 2.2 Sexual harassment must have either violated someone's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for someone. It can be sexual harassment if the behaviour was not intended. It can also be sexual harassment if it was intended to have one of these effects even if it did not have that effect.
- 2.3 There is no single definition of bullying and harassment. For the purposes of this policy, the School has adopted the following definitions:
 - 2.3.1 unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for

that individual. Protected characteristics are age, disability, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origin), religion or belief, sex, sexual orientation (The Equality Act 2010)

2.3.2 behaviour against another person which is alarming the person or causing the person distress and which takes place on two or more occasions (The Protection from Harassment Act 1997)

2.3.3 ACAS defines bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

2.4 This behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone, text or email communications, or social media. Some examples are included below, but this list is by no means exhaustive:

- Aggressive or abusive behaviour, such as shouting or personal insults
- Abuse of a sexual or racist nature
- Spreading malicious rumours or gossip
- Unwanted physical contact, including hugging, massaging, kissing or groping
- Staring or leering and making unwanted propositions or sexual advances
- Threats of, or actual, physical violence
- Offensive comments or body language
- Displaying offensive material or graffiti relating to an individual
- Sending and or sharing sexually explicit communication or private and personal explicit images or videos without consent
- Making threats or promises in return for sexual favours
- Innuendo or spreading gossip of a sexual nature or based on sexual orientation or gender re-assignment
- Inappropriate initiation ceremonies
- Banter, jokes, pranks or mimicry
- Using social or other on-line media to communicate negative, abusive, and harmful statements against students, staff and the School
- Creating a hostile environment through comments about race, sex, sexual orientation or gender reassignment.

2.5 If you begin to feel at any time as if you are being singled out, ganged up on, threatened, or you are feeling uncomfortable or upset at the way somebody is treating you, it is really important to speak to someone.

3 Staff student relationships

3.1 All relationships between staff and students should be respectful and professional. It is inappropriate for a member of staff to initiate or engage in a relationship with a student that goes beyond this and is either intimate and or of a sexual nature. This

behaviour is considered unacceptable under this guidance and will always be investigated.

4 What should you do if you experience unacceptable behaviour?

Informal resolution

4.1 Wherever possible, if you believe that you are being subjected to any form of unacceptable behaviour you should take personal action to resolve the situation in the first instance as follows:

- Try to speak directly to the person responsible for the behaviour – they may genuinely not know that they are acting in a way that’s unacceptable to you.
- If they don’t respond to this, or if you feel unable to approach them, then it is vital you take the matter further.
- Go and talk to someone in Student Services. Some forms of behaviour can be very subtle and it can often help to talk through your experiences with a third party. Student Services can investigate the matter informally and potentially offer different solutions e.g. arrange mediation and can issue a verbal warning to the perpetrator.
- Discuss the issue with your Programme Director, or other appropriate member of staff – basically anybody who you feel comfortable with – to discuss ways in which the situation can be resolved with their support and/or involvement.

Formal complaint

4.2 If you feel unable to take any personal action or if the matter remains unresolved through the informal means outlined above, you can complete the appropriate Student Complaint Form or put your complaint in writing and submit it electronically by email to the Registrar who will then determine how your complaint will be progressed. Allegations against individuals who are not students or staff at the School (for example, agency or contract workers) may not be able to be dealt with under this policy as they are not subject to discipline under the School’s internal processes. In these circumstances, you will be advised of other possible ways to pursue your complaint. Student Services can provide support in such circumstances.

5 Confidentiality

5.1 If information is to be kept confidential, you must make this clear to the person to whom any report is made and how you wish the information to be dealt with .

5.2 You should understand that in exceptional circumstances it may not be possible for confidentiality to be respected, for instance where a criminal offence has been disclosed or where it is considered that you or other students are in danger.

- 5.3 You should also understand that in some circumstances the demand for confidentiality may make it difficult for the School to assist you with your complaint. If you wish the School to take action this will usually mean that we have to inform the person you are complaining about of the allegations. This will be explained to you at the time of making the complaint.

6 How the School will deal with formal complaints

Formal complaint against another student

- 6.1 If you have complained about the behaviour of another student, the Registrar will consider if reasonable steps have been taken to resolve the issue informally. In some cases, the complaint may be referred to Student Services to try to find a way to resolve the complaint through informal means that have not yet been explored or through mediation, involving other members of staff as appropriate.
- 6.2 Where informal resolution is not possible or where the matter is deemed suitably serious, the complaint will be referred for consideration under the Student Disciplinary Policy (see Section 7 below).

Formal complaint against a member of staff

- 6.3 Allegations made against members of staff will be considered by the Chief Operating Officer who will discuss the matter with Human Resources. Where the matter can be resolved by informal means, such as mediation, this will be considered prior to the instigation of a formal process under the Staff Disciplinary Procedure.
- 6.4 Where appropriate it will be referred for investigation and action under the Staff Disciplinary Policy and Procedures (see Section 8 below).
- 6.5 You will be fully supported by Student Services throughout any process. You will be given a contact in Student Services with whom you will be able to discuss the case and who will keep you informed of progress with either the Staff Disciplinary investigation or informal action as far as is appropriate. Student Services can also provide other support or sign post you to external sources of help should you require it.

7 Academic Requirements and Freedom of Speech

- 7.1 You should be aware that legitimate and constructive criticism of a student's performance or behaviour, or reasonable requests made of students by members of staff do not constitute unacceptable behaviour under this guidance.
- 7.2 It is also important to note that the principles of Freedom of Speech must also be respected including academic freedom and tolerance for controversial views in an educational context or environment, including in premises and situations where educational services, events and debates take place.
- 7.3 Exposure to the following are also unlikely to constitute harassment:

- 7.3.1 the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures;
- 7.3.2 statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course

8 Investigations under the Student Code of Conduct

- 7.1 If you make a complaint relating to sexual misconduct, abuse or other unacceptable behaviour involving another student, the School will consider whether it is appropriate to take action under the Code of Student Conduct using the Student Disciplinary Policy. While the criminal process will consider whether a crime has been committed, the School's disciplinary process considers whether there has been a breach of the Code of Student Conduct.
- 8.1 All students are expected to comply with the Code of Student Conduct and behave in a way that respects others and not engage in behaviour that is intimidating, offensive, discriminatory, violent or otherwise upsetting to others.
- 8.2 The School will usually carry out an investigation into the matter, and will discuss the process with you in advance to ensure that you are comfortable with each stage.
- 8.3 You can expect the School to carry out a risk assessment to understand whether there is a risk to members of the School community. As part of this risk assessment the School may ask a senior member of staff to undertake a preliminary investigation into the case and they may request to speak with you about it to make sure your needs and concerns are fully understood. If, as a result of the risk assessment, the School concludes that there is a significant risk to the wider community, the School may take precautionary action, such as imposing a partial or full suspension on the related student in line with the [Student Disciplinary Policy](#) until the case is concluded.
- 8.4 The School will share the minimum amount of information needed in order to conduct its investigation. This could, however, involve speaking to any witnesses, as well as the student (or students) to whom your complaint relates.
- 8.5 The School's investigation will be as thorough as reasonably possible based on the evidence provided. Please note that only a police investigation will have access to forensics, and the School cannot compel witnesses to give evidence.
- 8.6 At every stage of our investigation, including where it leads to a hearing before the Student Discipline Committee, we will take reasonable steps to ensure that you do not have to come into contact with the student (or students) your complaint relates to.

9 Investigation under the staff disciplinary procedure

- 9.1 If you make a complaint relating to sexual or racial abuse or harassment, or other serious allegation involving a member of School staff, this will be promptly investigated under the School's Staff Disciplinary Policy.

- 9.2 A manager will be appointed by the School to investigate your complaint. They will meet with you to discuss your complaint and you may seek support via Director of Student Services. They will also meet with the member of staff your complaint relates to, and any witnesses identified by yourself or the member of staff. You should also note, that it will be necessary to provide the member of staff with a copy or the details of your complaint.
- 9.3 If your complaint is upheld, a disciplinary panel will consider the conduct of the staff member in line with the School's Staff Disciplinary Policy and Procedure.
- 9.4 Once the investigation has been completed, you will be advised as to whether or not your complaint has been upheld. The Director of Student Services will be informed to ensure of a prompt response to you

10 Confidentiality of the outcome and keeping you informed

- 10.1 If your complaint is upheld, the action taken by either the staff or the student disciplinary panel will remain confidential.
- 10.2 You will, however, be advised of any measures the Panel recommends to ensure your wellbeing and such information as it is considered is in your legitimate interest to know. The Director of Student Services will be involved in advising on measures to ensure your well-being, communicate with you and offer the relevant support required.
- 10.3 You will be asked to keep the identity of the student or member of staff and the matter confidential as the School has a legal obligation to maintain confidentiality. You will, however, be given a contact in Student Services with whom you can discuss matters and who can explain the process and who will also be able to refer you to other support should you want it.

11 Reporting to the Police

- 11.1 Where the behaviour towards you constitutes a criminal offence, you are encouraged to report the matter to the Police. The Police will be able to deal with cases where there is limited evidence as they are able to use forensics and can also compel people to give evidence. The School will help you do this where appropriate.
- 11.2 If the matter becomes the subject of a police investigation, the School may suspend any student as a precautionary measure until the police investigation is concluded where there is a risk of harm to yourself or others in the School community. Once this has happened, the School will decide what further action is required.
- 11.3 The School may delay the consideration of the complaint until after the conclusion of the police investigation but each case will be considered individually and take into account the situation of both students.
- 11.4 If the matter relates to a member of staff, the disciplinary process may continue while the Police undertake any investigations. Where there is a risk of harm to yourself or

others in the School community the School may suspend the member of staff, again as a precautionary measure.

- 11.5 The School will respect your wishes if you do not wish to report the matter to the Police and will instigate disciplinary action as appropriate. You should note, however, that such action will only be based on whether the alleged perpetrator has committed misconduct in relation to the Student Code of Conduct and in cases relating to staff, whether Staff Disciplinary Policy and procedures have been breached.
- 11.6 The School will not be in a position to decide whether someone has committed a criminal offence, this is a matter for the Police.
- 11.7 In some very rare instances, the School may need to report the action to the Police themselves where it is necessary to protect you (or others) from harm or to prevent a further crime taking place. However, it will consult you on this and make a decision on a case by case basis depending on the circumstances of the matter.

12 Are there times when the School will not take action?

- 12.1 The School has the same responsibilities towards all of its students. Sometimes there is not enough evidence available in a case for the School to take action against another student, or a member of staff, for example where you have made a statement but do not wish to appear at a Disciplinary Panel. Where this occurs, the School will explain this to you, and try to find out whether there are other ways to support you, such as whether reasonable steps can be taken to ensure that you do not have to come into contact with the person your complaint relates to.
- 12.2 The School will respond to students in line with the School's Students Complaints Procedure as relevant in the context of this guidance