

## London School of Economics and Political Science

### Procedure for Considering Allegations of Harassment from Students Against Members of Staff

#### Introduction

1. For the purposes of this document, 'harassment' is as defined in the School Anti-Harassment Policy. References to staff mean persons employed by LSE; references to students mean those registered on courses at LSE.
2. This procedure is for use by students who consider that they have been harassed by a member of staff.
3. The School is committed to investigating all complaints thoroughly.
4. Staff or students who have been the victim of a violent attack or sexual assault should inform the police immediately and seek medical help.
5. Nothing in this procedure prevents those who either claim to be harassed or are allegedly harassers from exercising their legal rights.

#### Exclusions and Conditions

6. Students cannot use this Procedure for grievances other than harassment. Separate procedures apply for other grievances, such as the School's Student Complaints Procedure.
7. All people involved in a harassment case, including witnesses, advisers and/or people chosen to accompany either party, must respect the confidentiality of all parties involved, particularly the Complainant, the Alleged Harasser and the members of an Investigation Team. The School will at all times comply with relevant legislation, such as the Data Protection Act 1998.
8. The identity of the Complainant will need to be disclosed to the Alleged Harasser. The Director of Human Resources (or Senior Adviser to Students for an informal resolution) will check that the Complainant understands this procedure before a disclosure is made.
9. The student making the allegation will be protected from reprisal or unfair treatment because of their decision to submit a complaint, unless there is substantial reason to believe that the allegation is based on information known to be false or has been made maliciously. Cases of deliberately false or malicious allegations of harassment will normally be investigated under the School's Disciplinary Procedure Students.
10. No record of an alleged case of harassment will be placed on a staff or student file unless it is required under this or another relevant procedure.
11. Only the Complainant can decide whether to pursue or withdraw a complaint. This may be done at any time during the investigation, by formal notice to the Director of

Human Resources, who will inform the Investigation Team and decide whether further action is required, such as training or alternative working arrangements, or disciplinary action if they decide that the complaint was originally submitted for malicious reasons.

### **Advice**

12. Students who are concerned about harassment may wish to speak to one or more of:
  - Their Personal Tutor or Supervisor, the Senior Adviser to Students, or if relevant, the Dean of the General Course.
  - The Student Union Education Officer or Community and Welfare Officer.
  - The Adviser to Women Students.
  - The Student Union Advice & Counselling Centre.
  - The Student Counselling Service.
  - The Warden of their hall of residence.
13. Members of staff who are concerned about harassment may wish to speak to one or more of:
  - Their Line Manager, Head of Division or Department.
  - A trade union representative.
  - The Staff Counsellor.
  - Their HR Partner.

### **Informal Procedure**

14. Allegations of harassment can be resolved under informal or formal procedures. The School will make every attempt to resolve an allegation of harassment informally. However, the formal procedure must be used to resolve serious cases, which, for example, concern an allegation of physical assault.
15. Where a student considers that they have been harassed by a member of staff, they should contact the Senior Adviser to Students, or if relevant, Dean of the General Course (hereafter included in any reference to the Senior Adviser to Students). This should take place no later than three months after the alleged incident/s occurred.
16. The Senior Adviser to Students will normally talk to both parties separately in the first instance in an attempt to facilitate an informal resolution of the alleged grievance. They will take notes of the meetings.
17. If all parties agree, the Senior Adviser to Students will arrange a face-to-face meeting between the Complainant and the Alleged Harasser. A second member of staff may be asked to attend as a silent observer and to take notes of the meeting.
18. The Complainant and/or Alleged Harasser can request the presence of an additional silent observer of their choice. This individual's involvement must remain informal; a legal representative, for example, is inappropriate at this stage. Either party may request the presence of an interpreter if English is not their first language.

19. At the end of the informal process, the Senior Adviser to Students will send a written record of it to the Complainant and Alleged Harasser. Where agreement cannot be reached, the dissenting party will have the right to include in the record the reasons for their dissent. Copies of this record will be given to the Complainant and Alleged Harasser and held by the Senior Adviser to Students facilitating the process. The written record of this informal stage may be used in any formal procedure if it is subsequently instigated.

## **Formal Procedure**

### **Making the allegation**

20. The formal procedure should be instigated if any of the following conditions apply:
  - the Complainant has chosen not to use the informal procedures;
  - all attempts at an informal resolution have failed;
  - the alleged offence is of a serious nature and/or a potential case of gross misconduct (e.g. sexual or physical assault).
21. To instigate the formal procedure, a formal written complaint (using the form at Appendix A) must be submitted to the Director of Human Resources no later than three months after the alleged incident/s occurred or within ten working days of the conclusion of an unsuccessful informal process. It should explain the reasons for the complaint and provide all available evidence.
22. Once the formal complaint has been lodged, the Director of Human Resources will arrange for an Investigation Team to be convened (see Appendix B). It will be composed of:
  - a member of the Academic Board appointed by the Vice Chair of the Academic Board; and
  - a student representative appointed by the General Secretary of the Students' Union; and
  - a trade union representative appointed by a recognised trade union.

No one shall be appointed who has given advice to either the Complainant or the Alleged Harasser in connection with the incident(s) concerned.
23. If the Complainant or the Alleged Harasser objects to the appointment of one or more of the Investigation Team, they must submit a written statement to the Director of Human Resources, explaining their reasons, within three working days of being informed of the names. If the Director of Human Resources upholds the objection, then alternative members of the Panel will be selected. Further objections may then be made under this paragraph but only in relation to the newly appointed members.
24. If an Investigation Team believes that the Alleged Harasser should be suspended, or their duties altered, then it should ask the Director of Human Resources to instigate the relevant process. A member of staff may make such a request on their own behalf to the Director of Human Resources.

## Investigation

25. As soon as the Complainant and Alleged Harasser have consented to the appointment of Investigation Team or if no response is received within three days of informing the Complainant and Alleged Harasser, the appointed members will be asked to begin their investigation.
26. The Investigation Team will carry out the investigation as quickly as is reasonably possible and normally within twenty working days of the date of receipt of the written complaint. The Complainant and the Alleged Harasser will be advised in advance of any extension to this period, including the reasons for that extension.
27. The Investigation Team will meet the Complainant and Alleged Harasser, normally in person. The Investigation Team should find alternative means to speak to the Complainant or Alleged Harasser when it is too difficult to arrange a face-to-face meeting, such as by video link or a conference call.
28. The meetings will always include at least two members of the appointed Investigation Team. The Complainant and the Alleged Harasser have the right to be accompanied by a silent observer of their choice (e.g. a colleague, trade union member or Students' Union representative).
29. If the Investigation Team considers it necessary to meet witnesses, they must convey to them the need to respect confidentiality. The absence of witnesses will not necessarily be taken to imply that the alleged incident(s) did not take place.
30. One of the Investigation Team will make a record of each meeting and ask the person present to confirm that it is a true and accurate record. Where agreement cannot be reached, the reservations will be included in the record.

## Report

31. On completion of the investigation, the Investigation Team will submit a written report to the Director of Human Resources. The report will include the dates and details of the alleged incidents; an explanation of any previous attempts at informal resolution; and a recommendation whether to uphold the allegation of harassment. The report will also include a copy of the interview records and any other information that the Investigation Team considers relevant.

## Meeting

32. Normally within ten working days of receiving the Investigation Team's report, the Director of Human Resources will meet the Complainant and Alleged Harasser separately to inform them of the main elements of the Investigation Team's findings and to convey the decision they are minded to make. The Complainant and Alleged Harasser have the right to be accompanied to this meeting by a silent observer of their choice (e.g. by a trade union member, work colleague or the Students' Union

Representative). A written statement of the decision will follow in five working days of the second meeting.

33. If the decision is not to uphold the allegation of harassment, the Director of Human Resources may nevertheless recommend that one or both of the parties involved in the case consider training, counselling, a voluntary transfer or change in the reporting relationship (if possible) if a working relationship has become untenable.
34. If an allegation of harassment is upheld, the Human Resources Director may invoke the disciplinary procedure for misconduct or gross misconduct.

### **Appeal**

35. The Complainant or the Alleged Harasser may appeal against the outcome of a harassment case by writing to the Director of Human Resources within five working days of receiving their decision. It must set out the grounds on which the appeal is made. There is no route of appeal if the case is referred to staff or student disciplinary procedures.
36. The Director of Human Resources Director will refer the appeal to a Pro-Director, who will decide how to deal with it. If they decide to meet any of the parties involved, they must inform the person of their right to be accompanied by a silent observer.
37. The Pro-Director will inform the Complainant and the Alleged Harasser of their final decision normally within ten working days of the date the appeal was received by the Director of Human Resources. They must set out the reasons behind their decision and inform the Complainant of their right to complain to the Independent Adjudicator for Higher Education (this service is available to students only). The School's internal procedure is complete at this point.

**Appendix A****CONFIDENTIAL****THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE****Harassment Complaint Form**

**The completion of this form is not compulsory. It is intended to help the School understand and deal with a complaint as efficiently as possible. The Complainant should send a completed version of it to the Director of Human Resources.**

1. Name of the person making the complaint
  
2. Name(s) of Alleged Harasser(s)
  
3. Nature of the complaint (this should include a description of the behaviour and why it is felt to be unacceptable, date(s) and location(s) of occurrence
  
4. Any steps taken to stop the harassment. (Note: It is useful for the investigator to be aware of any action taken by you. However, if action has not been taken, this will not prejudice your claim.)

I recognise that for a formal complaint to be pursued it will be necessary for my identity to be revealed to the Alleged Harasser, and I hereby give my permission to the investigator to do so.

Signature:

Date:

## Appendix B

### The Anti-Harassment Panel

Training shall be given to the Investigation Team to ensure that its members are suitable investigators. The objectives of the training shall include:

- Awareness of what harassment means, the forms that it can take and the impact on individuals;
- Development of listening skills;
- Investigation interviewing and report writing; An understanding of the School's relevant policies and procedures;
- Resolution of complaints of harassment with the least damage to the people concerned and compatible with a just outcome.

On appointment, the members of the Investigation Team shall be required to confirm their commitment to allocate time as necessary to investigate a formal complaint.

For members of staff, their respective managers shall also need to confirm in writing their understanding of the time input that may be necessary.

End.