

Birkbeck Principles of Dignity at Work & Study

1. KEY PRINCIPLES

Birkbeck is committed to providing the highest quality academic and work environment where all are welcomed, respected and treated in a consistent and non-discriminatory manner. Harassment and bullying undermine the core values of the College, and can have a serious and negative effect on the health, confidence, morale and performance of those affected by it, and on the working, learning and living environment.

Bullying, harassment and victimisation behaviours will not be tolerated in the College environment, and may be addressed through the appropriate staff or student disciplinary procedure. Some such behaviours may also be unlawful (see **section 5** below).

2. SCOPE

All staff and students of the College are expected to work within this set of principles. Managers have a critical role in ensuring that no form of bullying, harassment or victimisation, specifically that relates to a person's protected and/or other characteristics (see **section 5** below), is tolerated within our community, either between or towards; employees, students, contractors, consultants or visitors to the College.

Behaviour refers to a range of interactions, these may be face-to-face, but also include those which take place through non face-to-face mediums, e.g. emails, correspondence, social networking sites, text messages, etc.

If a staff member or student experiences bullying or harassment from someone who is not a Birkbeck staff member or student, separate arrangements may exist to help resolve this issue, and this should be explored on a case-by-case basis with the appropriate College lead contact who has responsibility for the other party coming into contact with the student or staff member raising the issue e.g. the local contract manager or the person responsible for setting up a placement.

Any member of the College (staff, student or visitor) who witnesses any practice or behaviour that contravenes these principles should lodge their concern with the relevant manager (see 8.2.3 below), and those concerns will be investigated appropriately.

The principles of Dignity at Work and Study are intended to support the College's provision of an inclusive working and learning environment. They are not intended to unreasonably restrict the content of teaching, research or other academic debates, save for the intention to offer a safe learning environment, free from discrimination, harassment or bullying. Reference should also be made to the College's policy on Freedom of Speech.

3. THE COLLEGE'S APPROACH TO ALLEGATIONS OF BULLYING AND HARASSMENT

The College takes all reports of bullying and harassment, whether informal or formal, extremely seriously, and will manage all reports received with appropriate confidentiality and sensitivity.

As a general principle, the College will maintain confidentiality. Information about the allegations made will only be given to those who strictly need to know about the issues raised. In seeking a resolution, College staff members will need to discuss the allegations with the person about whom they are made. The College will seek to support all individuals in the resolution of genuine concerns, helping students and staff who make reports of bullying and/or harassment to understand the options that are available to them to resolve the issue. Any actions to be taken by the College that arise from the case will be discussed with the student or staff member making the allegations in the first instance, prior to any action being taken.

The College recognises its equal duty of care both to the complainant and respondent(s). Any allegation of bullying or harassment made cannot be considered anonymously, and must be properly investigated using the appropriate process outlined. In investigating reports, the College will be mindful of the rights of both the person making the allegations, and the person(s) about whom the allegations are made.

Equally, the College can take action against anyone making a vexatious or malicious allegation.

The College will fulfil its obligations with regard to reporting incidents to external parties (such as the police, relevant research funders, or professional bodies) as appropriate. Individual confidentiality will be balanced with the nature of any risks arising from any circumstances of bullying and harassment. Where unacceptable risks to health, safety or property are perceived, the College reserves the right to take action under this procedure, whether or not the person making the allegation agrees. If such action is necessary, the student or staff member will be notified. Upon receipt of a formal case of bullying and harassment raised by a student or staff member, the College reserves the right to reclassify allegations concerning student discipline as a student complaint, or an academic appeal, if the submission has been made to the incorrect procedure, or the submission falls properly within the remit of one procedure rather than the other.

Criminal offences

Where behaviour has been alleged that would amount to a serious criminal offence, e.g. physical or sexual assault, this should be immediately reported to the police. In such cases, any resulting criminal proceedings would normally be expected to have been completed before the College will take action under the appropriate policy (although suspension via the Code of Student Discipline or the Fitness to Study Policy may be considered appropriate, if necessary).

4. DEFINITIONS OF BEHAVIOUR

It is acknowledged that there is difficulty in providing an all covering definition of bullying and harassment, as the experience of such behaviour may have a different 'feel' for each individual affected: what one person would consider acceptable may feel uncomfortable to another. The key point is that everyone has the right to decide what behaviour is acceptable to them, and once this has been made explicit through words or actions, to have their wishes respected by others, whether this relates to a pattern of unwelcome behaviour or a single incident. However, certain behaviour will always be unacceptable and this is defined as follows:

4.1 Harassment is unwanted conduct 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.

Some examples of harassment include (but are not limited to):

- Remarks, gossip or jokes about an individual;
- Obscene gestures or language;
- The display or electronic transmission of offensive material;
- Physical contact of any kind to which an individual has not consented, or which they have not been given an opportunity to reject (this can range from touching through to serious assault);
- Unwanted attention by any means, including electronic communication such as text messages, email, social media, etc.;
- Following, stalking or spying on an individual;
- Seeking advantage over someone by threatening or pressuring them in an unwelcome way;
- Isolation, non-cooperation, or exclusion from work-related activities.

4.2 Bullying is a serious form of harassment, which may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Some examples of bullying include (but are not limited to):

- Using abusive language;
- Unreasonably removing areas of responsibility;
- Continually ignoring or excluding an individual;
- Deliberately undermining someone through overload and constant criticism;
- Picking on one person when there is a common problem;
- Publishing or defacing material/graffiti that is offensive about an individual or groups;
- Frightening someone with physical or other threats;
- Shouting at or humiliating an individual in front of colleagues, or in private;

- Preventing individual achievement by intentionally blocking training or development opportunities.

Bullying is not always a top-down phenomenon in respect of formal roles or positions in hierarchies: it can also be directed upwards, sideways or diagonally.

It is also important to note that in some cases bullying allegations may themselves be manifestations of bullying.

4.3 Cyberbullying is the term used to define bullying behaviour that takes place via mobile phone or over the internet through emails, instant messaging and social networking websites. Cyberbullying is not carried out face-to-face, but instead includes sending text, messages or images via the mobile network, or posting on a website, e.g. Facebook, or Moodle, that hurts, intimidates or embarrasses another person. Cyberbullying is no different from any other forms of bullying; the behaviour is the same and the impact is no less devastating for individuals. There are limitations to the action the College is able to take regarding behaviours in virtual environments outside its control, however, the College will seek to provide support to staff and students experiencing cyberbullying.

4.4 Victimisation occurs when someone is treated less favourably because they have made or supported allegations about discrimination or harassment, or because an individual thinks that they may do so. For example:

- Denying someone the opportunity to participate in a work-related activity/opportunity because they are perceived to be a ‘troublemaker’;
- Lowering a student’s assessment results because they have made or supported a complaint.

Victimisation or retaliation as a result of allegations about bullying or harassment being made is unacceptable in the College environment, and may lead to disciplinary action.

4.5 Interpretation

Whilst many of the examples outlined would be easily recognisable as unacceptable to most people, some conduct can constitute harassment or bullying even where the person did not intend their behaviour to be offensive.

Where it is not clear that one person’s behaviour or conduct would cause offence to a particular individual or group, first-time conduct unintentionally causing offence may not constitute bullying or harassment (which by definition implies repeated conduct). However, if the behaviour continues after the person has made it known to the other person(s) that such behaviour is unwanted and/or unacceptable to them, this is far more likely to be recognised as bullying and/or harassment.

This is not however, to preclude the fact that a single incident, if sufficiently serious, could constitute bullying or harassment.

5. UNACCEPTABLE BEHAVIOUR AND THE LEGAL CONTEXT

It should be noted that bullying, harassment or victimisation may constitute unlawful discrimination if it is related to the personal characteristics of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

The Equality Act 2010 provides protection for individuals from harassment based on these nine protected characteristics whilst applying for jobs and educational courses; during and post-employment (in relation to the College providing verbal or written references).

The College takes its responsibilities regarding the duty of care to employees and students seriously and will abide by the requirements set out in other related legislation such as the Protection from Harassment Act 1997 and the protection for whistleblowers under the Public Interest Disclosure Act 1998. Serious cases of harassment may amount to a civil or criminal offence under the Protection from Harassment Act 1997 or other laws; such cases may be referred to the police and criminal proceedings may commence. Furthermore, Birkbeck will continue to challenge all forms of harassment, bullying or victimisation on the basis of political or other opinion, affiliation, national or social origin, birth or other status.

6. WHAT DO I DO IF I FEEL THAT I AM BEING BULLIED OR HARASSED?

You are encouraged to take action as soon as you can after an incident has occurred (refer to section 8. Seeking Resolution for information regarding informal and formal action). A delay may result in an incident becoming more severe, or more difficult to investigate and resolve at a later stage.

If you feel that you are in physical danger, or your personal safety is at risk, you should seek help immediately from your tutor, line manager or from Human Resources.

7. GETTING SUPPORT

If you sense that you are being bullied and/or harassed, you may experience a variety of emotions such as feeling upset, anxious, isolated and vulnerable. It may seem like you are powerless to address the problem and you may feel that it is out of your control. In this situation it is important to try to talk to someone you trust as a first step in taking control of the situation and in understanding what it is that is causing you distress. Students should raise any issues/concerns regarding bullying and/or harassment with a Dignity at Work and Study Contact or your Programme Director (or Head of School/Department where appropriate). Members of staff should liaise with a Dignity at Work and Study Contact and their line manager to discuss/raise concerns regarding bullying or harassment. Staff that do not feel comfortable raising such issues with their line manager, should contact their line manager's manager, or their HR Business Partner or a Dignity at Work and Study Contact. Try to identify the particular behaviour and incidents that have occurred (either alone or with the support of another person), and to take prompt action.

There are a number of sources of support, guidance and assistance available to you, and some examples are detailed in the supporting document '*Dignity at Work and Study - Guidance on how to address concerns or allegations*' http://www.bbk.ac.uk/hr/policies_services/Dignity_at_work_and_study/guide/

8. SEEKING RESOLUTION

8.1 Through informal action

In most cases, the best way to deal with an issue will be to approach the other person face-to-face, on an informal basis, and to explain to them the behaviour that is causing distress, and why. The behaviour may not have been intended to harm, and/or the person may not have realised the consequences of their actions or behaviour to you. Therefore, approaching them in a calm, open and honest manner may be enough to resolve any misunderstanding.

Wherever it is appropriate, which may depend upon the seriousness of the case, the College will support and advocate informal attempts at resolution in the first instance. Full details as to how this might be approached are contained in the Guidance document in support of this policy.

8.2 Through formal College procedures:

The appropriate procedure to follow in taking forward a formal complaint will depend on your status as a staff member, a student or other, as set out below:

8.2.1 For students:

Complaints or concerns may be addressed in accordance with the **Student Complaints Policy and Procedure**.

8.2.2 For staff:

Individual complaints or concerns may be addressed through the **Staff Grievance Procedure** or, if the complainant is in the Academic staff group, via the grievance process set out in the College's Charter & Statutes. Appropriate disciplinary policies and procedures might also apply in relation to specific allegations of misconduct or unreasonable behaviour. (see 8.2.4 below)

8.2.3 For others:

Concerns raised by external workers and visitors, or by a third party (e.g. witness) to a potential breach of these principles should be directed to the appropriate manager for the person(s) against whom a complaint has been made, i.e. regarding behaviour of a student: to the Academic Registrar or his/her nominee; or regarding a member of staff: to the Head of HR Business Partnering. Complaints *against* a third party should be directed to the relevant employer/agency, or to the Birkbeck employee responsible for engaging the third party individual.

8.2.4 Potential disciplinary procedures:

If the outcome of any investigation were to find that there is a disciplinary case to answer, then this would be treated in accordance with the appropriate College procedure e.g. Disciplinary Procedure for employees, Charter & Statutes for Academic Staff and/or the Code of Student Discipline.

RESPONSIBILITIES

All staff and students are responsible for upholding the College's principles of Dignity at Work and Study. Some particular roles and responsibilities are set out below:

Complainant (Students)

- Familiarise yourself with the Dignity at Work and Study principles and guidance on dealing with concerns.
- Raise any issues/concerns regarding bullying and/or harassment with a Dignity at Work and Study Contact or your Programme Director (or Head of School/Department where appropriate).
- Seek information or advice from appropriate College resources.
- Attempt to resolve issues at an informal level including conciliation, counselling or mediation, where appropriate.
- Where informal resolution is not appropriate or has been unsuccessful, refer to the College's Student Complaints Policy and Procedure.
- Where appropriate, meet with an investigator to provide an account of complaint and additional information if required.

Complainant (Employees)

- Familiarise yourself with the Dignity at Work and Study principles and guidance on dealing with concerns.
- Liaise with line manager or Dignity at Work and Study Contact to discuss/raise concerns regarding bullying or harassment. If you are not comfortable contacting your line manager, please contact your manager's manager or your HR Business Partner or Dignity at Work and Study Contact.
- Attempt to resolve issues at an informal level including counselling or mediation, where appropriate.
- Where informal resolution is not appropriate or has been unsuccessful, refer to the College's Staff Grievance Procedure.

Dignity at Work and Study Contact

- Provide impartial support to complainant and respondent.
- Listen and attempt to understand the issues being discussed.
- Raise questions to help identify the key points and explore what action, if any, the employee or student wishes to take.
- Give guidance on a range of support and explore options to identify next steps.

Respondents (Individual responding to complaint)

- Familiarise yourself with the Dignity at Work and Study principles and guidance.

- Employees should liaise with their line manager or Dignity at Work and Study Contact to discuss allegations of bullying and harassment. If you are not comfortable contacting your line manager, please contact your manager’s manager or HR Business Partner or Dignity at Work and Study Contact. Students should liaise with their Programme Director (student) to discuss allegations of bullying or harassment.
- Attempt to resolve issues at an informal level including counselling or mediation, where appropriate.
- Participate in formal proceedings where required and attend meetings where appropriate.

Employees & Students (General)

- Familiarise yourself with the Dignity at Work and Study principles.
- Challenge inappropriate behaviour whenever you experience or witness it.
- Where notified of incidents of bullying, harassment and victimisation, liaise with HR or the Academic Registrar (or nominee) as appropriate.
- Lead/participate in informal and formal proceedings where appropriate.

Managers, Supervisors and Academics with Pastoral Care Responsibilities

- Familiarise yourself with the College’s Dignity at Work & Study principles, Equality Act legislation, and the College’s Disciplinary, Grievance and Student Complaints procedures.
- Ensure that all direct reports are aware of and adhere to the Dignity at Work & Study principles, and be prepared to challenge inappropriate behaviour with reference to the relevant disciplinary procedure where necessary.
- Understand that in your role as a manager (supervisor or an academic with pastoral care responsibility for students), when made aware of any claim or case of bullying or harassment, that you have a duty of care to work to resolve the issue and to provide impartial support to your staff/students during an investigatory process (whether as a complainant or respondent).
- Seek prompt advice from Human Resources or from the Academic Registrar (or nominee) when a complaint or case of this nature is made known to you.
- Actively work to ensure that Birkbeck provides a supportive work and study environment.
- Set an example to others through your own behaviour.
- Ensure that employees and students know what standards of behaviour and conduct are expected of them.

Human Resources

- Provide support and guidance for employees experiencing bullying or harassment, and to employees who may be required to respond to an allegation against them, as required.
- Manage formal proceedings for complaints made by College employees, and those arising from any complaints (upheld) against employees where further action is warranted.

Academic Standards and Quality (Registry Services)

- Provide administration and guidance to the Student Complaints process.
- Manage formal proceedings for complaints made by students, and those arising from any complaints (upheld) against students where further action is warranted.

Estates & Facilities

- Manage formal proceedings for complaints against an external contractor.

Date reviewed:	July 2020 (clarification)
Policy Owners (Job Titles):	Director of HR Academic Registrar
Version number:	2
Planned date of next review:	Term 1 2019/20
List of related Policies, Procedures, Guidelines:	
<u>Dignity at Work and Study: Guidance on how to address concerns or allegations</u>	

[The Role of the Dignity at Work and Study Contact](#)

[Staff Grievance Procedure](#)

[Charter and Statutes](#)