Dignity at Work and Study

Guidance on how to address concerns or allegations

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. In support of this commitment, no form of harassment or bullying will be tolerated within the College community, including that relating to race, creed, colour, nationality, ethnic origin, age, language, religion or similar belief, political or other opinion, affiliation, gender, gender reassignment, sexual orientation, marital status, disability, national or social origin, birth or other status, or membership or non-membership of a trade union.

As fellow members of the Birkbeck community, we all have a responsibility and a critical role to play in fulfilling this commitment. Those who manage other staff and those charged with the pastoral care of students have specific additional responsibilities to deliver on this commitment and to provide support, leadership and guidance.

The College has a number of trained Dignity at Work and Study Contacts (D@W&S Contact) who are available to all employees and students to speak to in confidence. If individuals feel that they have been harassed or bullied, or if individuals are witness to others being subjected to behaviour of this type, they are encouraged to speak to a member of this team. Similarly, if an individual is accused of bullying or harassment they may approach a D@W&S Contact for support.

Members of the Human Resources team, the Head of Academic Services, the College Dean and representatives of the trade unions and the Students’ Union are also available to provide support and guidance.

Throughout this guide, the term ‘complainant’ is used to refer to a person experiencing bullying or harassment and the term ‘respondent’ for a person alleged to be carrying out the bullying or harassment.

This guide provides fuller detail in support of the College’s Principles of Dignity at Work & Study and should be used in conjunction with that document.

Dealing with bullying and harassment

It is useful to keep notes or a diary of any particular incidents that you experience, along with general descriptions of the behaviour and how it has affected you. It is important to make a note of who else was present and the names of any witnesses as far as possible. This will help you to target any subsequent informal or formal action so that the specific times and dates can be identified and the
appropriate people are called as witnesses as necessary. This will provide clarity in seeking a resolution and will also be fairer for the alleged bully/harasser.

**Seeking Informal Resolution**

In many cases, the best way to deal with an issue is to approach the person concerned face to face, on an informal basis and explain the behaviour that is causing you 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.

It is important to remember that such a conversation can be as stressful and uncomfortable to the other party as it is to you. Therefore, it is helpful to be constructive and explain how certain behaviour has impacted upon you, rather than being accusatory and using overly emotive language, and to listen carefully to the other person’s point of view.

It is helpful to have thought through what outcome you would find satisfactory in order to resolve the situation. For example, if it was a one-off incident, ask that the person acknowledge your feelings, and possibly make an apology if appropriate, or for ongoing behaviour, that this behaviour is to stop from that point on.

Before meeting with the person about the problems their behaviour or conduct is causing you:
- formulate your concerns and have examples to back them up (refer to your log if you have kept one);
- think about what change you want the person to make in relation to how they behave towards you and what outcome you want to see from the meeting. It may simply be to ask them to stop doing something.

At the meeting:
- Describe the behaviour you are unhappy about, give examples;
- Explain how it makes you feel;
- Suggest how their behaviour could change and the effect that would have in terms of building a more positive working relationship.

This may well be a difficult step to take and therefore, you may wish to be accompanied by someone who is there to support you. This could be your manager, a trade union representative or a colleague (staff); a fellow student, a tutor or a Students’ Union representative (students); or a D@W&S Contact (both staff and students). In exceptional circumstances, it may be appropriate to ask that one of these people (having first been fully briefed by you) make an initial approach on your behalf.

Alternatively, if you do not feel able to approach the other person directly, you may find it easier to compose a suitable letter or email to explain the issues, and suggest a follow-up meeting once the person has had time to consider and reflect on the points you raise. It is important to consider though, that it is not always easy to fully convey tone and feelings (particularly in email) as effectively as in a face-to-face meeting, so you may find it useful to ask someone to read through any written document before it is sent.
Mediation

At any point during either informal or formal attempts to resolve claims of bullying or harassment, mediation may be requested/suggested as a means of resolving the problem. Mediation involves the use of a third party who is independent and neutral to the dispute and who is there to facilitate the parties towards a mutually acceptable agreement. The mediator will be a person who has undertaken training and achieved formal accreditation; they will be selected and appointed by either Human Resources or the Registry (as appropriate for disputes raised by staff or students). Mediation will be voluntary and can only be conducted with the agreement and willingness of all parties.

In cases where mediation is agreed and where formal complaint/grievance procedures have been instigated, the formal procedure will be adjourned whilst the mediation takes place. In the event that no mutually acceptable solution is reached through mediation, the procedure will be reconvened at the point of adjournment.

Mediation will not always be the most appropriate means of resolving a claim of bullying or harassment, particularly in the case of a complaint that, if upheld, could amount to gross misconduct. The College will need to take a view as to the seriousness of each allegation both in relation to its duty of care, and in the context of unlawful discrimination legislation. Where a claim is of a level of seriousness amounting to gross misconduct, the College has the right to insist that formal routes to resolution are undertaken.

What do I do if informal action doesn’t provide a solution?

Where informal action is felt to be inappropriate (e.g. due to the seriousness of the incident) or has been attempted but has not achieved a satisfactory resolution, you should refer to the following College procedures.

The appropriate procedure to follow will depend on your status as either a staff member or a student.

For students:

- Complaints would fall under the Student Complaints Policy and Procedure or, where an allegation of student misconduct is made, under the Code of Student Discipline.

For staff:

- Complaints may be addressed through the ‘Staff Grievance Procedure’ or, if the complainant is in the Academic staff group, through the grievance process within the College Charter & Statutes.
- Alleged misconduct may also be raised with the relevant line manager, to be investigated under the relevant staff disciplinary procedure. If the member is staff is not comfortable speaking to their line manager, they should raise the issue with their manager’s manager or contact their HR Business Partner.

All others:

- Concerns raised by external workers and visitors should be directed to the appropriate manager for the person against whom a complaint has been made, i.e. regarding behaviour of a student: to the
Deputy Head of Student Services; or regarding a member of staff: to the Head of HR Business Partnering.

If the outcome of any investigation is to find that there is a disciplinary case to answer, then this will 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.

It is recognised that in some instances, individuals may be reluctant to make formal complaints for either fear of reprisals, or due to the personal nature of the case. However, the College would encourage you to come forward, as it can only deal effectively with issues that it knows about. You will be protected from victimisation and your complaint will be treated in the strictest of confidence and confined only to those parties that are involved necessarily; boundaries of confidentiality will only be extended where it is necessary to protect individuals.

**What happens if I am accused of Bullying or Harassment?**

**Informal Action**

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or dismiss the complainant as being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him or her and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know could cause offence. Provided that you do not repeat the behaviour which has caused offence, this is likely to be the end of the matter.

If you are approached for this reason, it may be sensible to agree to meet to discuss the issues at a mutually agreed time, to give you time to consider and prepare. When you do meet:

- Listen to the points that are made
- Allow the complainant to explain the way they feel
- Seek clarification on what aspects of your behaviour are felt to be unacceptable
- Discuss how you might work together more effectively
- It may be a shock to be told that your behaviour has caused such a negative impact, so if you need to, ask for a break or time to consider your response
- Try to remain calm and avoid aggravating what is a difficult situation for both of you.

The College recognises that responding to a complaint of bullying or harassment can be a stressful and uncomfortable experience. Therefore, in the same way that the College suggests various avenues of support to complainants, the same mechanisms are in place for respondents. If you are a staff member and are accused of bullying or harassment, you are encouraged to speak to your manager (although this person may already have a role in investigating the matter), a D@W&S Contact, Human Resources or a trade union representative. If a student, you are encouraged to speak to your tutor, course director, a fellow student, a representative of the Students’ Union or a D@W&S Contact.
Getting Support

There are a number of sources of support, guidance and assistance available to you.

The following support is available should you feel that you are subject to bullying and/or harassment and also to offer appropriate advice and support if you are accused of bullying and/or harassment:

For staff:

Line manager

Get in touch with your line manager to discuss the situation and to gain their objective advice and support. Doing this will not automatically make the issues a formal complaint, however, your line manager has a direct duty of care for their direct reports and in cases of alleged serious misconduct, may be obliged to instigate procedures on a formal basis.

If your line manager is in any way involved in the issues that are affecting you, you may alternatively wish to contact your line manager’s manager, your HR Business Partner or Dignity at Work and Study Contact.

Human Resources

You may wish to discuss the situation with your Assistant HR Business Partner, particularly if the other party is your line manager or a direct report. Doing this will not automatically make the issues a formal complaint, however, as is the case with your line manager, Human Resources have a duty of care for all employees and in cases of alleged serious misconduct, they may be obliged to instigate procedures on a formal basis.

As noted above, HR would be able to arrange mediation, should that be agreed as an appropriate approach.

Trade Unions

If you are a member of a trade union, you may wish to approach one of your local representatives for support and guidance.

For students:

Birkbeck Students’ Union

All current Birkbeck students are granted automatic membership as Ordinary Members to BBKSU. The Students' Union General Office is located in the Malet Street building on the 4th Floor in Room 455.
For staff and/or students:

Dignity at Work and Study Contacts

The College has a number of D@W&S Contacts who can meet with you and give you the opportunity to discuss the issues of concern to you. They can offer practical guidance and support on how you might address the situation and may accompany you to meetings as appropriate.

Further details about the role of the D@W&S Contacts are provided alongside this guidance, at Appendix 1.

Professional Counselling

In some cases, it may be more appropriate, or additionally, to access counselling from a trained professional.

There is also a student Counselling Service, which provides assistance to students who are experiencing emotional difficulties that may be impacting upon their studies or overall experience at Birkbeck.

An Employee Assistance Programme (EAP) is also available for staff. An online portal provides access to general information, support and guidance on a range of issues such as health and wellbeing, emotional/personal, work/career and money concerns as well as a 24/7 confidential telephone counselling service. The portal can be accessed using the link to the EAP, access details can be found on SharePoint.

The College Dean

The College Dean has an ombudsman’s role and acts as a confidential and impartial adviser as required in matters relating to your employment and progress in the College. The Dean may provide advice on the proper procedures to be followed when problems arise and assist informally in resolving complaints and disputes.

Date reviewed: February 2021 (clarification by HR)
Appendix 1: The Role of the D@W&S Contact

Our D@W&S Contacts play a key role in helping the College to deliver its commitment to provide a safe and enjoyable work and learning environment which is free from bullying and harassment and where all people are treated with dignity and respect. D@W&S Contacts act as a first point of contact, as well as an ongoing source of information and support, for any individual member of the College community who has either experienced, witnessed, or been accused of bullying or harassment.

What a D@W&S Contact can do to help and support you

If you wish to speak to someone who is impartial and objective regarding a harassment or bullying issue that you have either experienced yourself, have witnessed, or have been accused of, you can contact a trained D@W&S Contact, who will arrange to meet with you. Please see Appendix 2 for a link to the list of D@W&S Contacts.

Usually, following initial contact by telephone or email, a meeting will be set up in a confidential and neutral environment. D@W&S Contacts are volunteers who carry out the role in addition to their normal work. Therefore, most meetings will take place within the College’s standard working hours (individual D@W&S Contacts will agree suitable times and dates) and should usually last between 30 to 60 minutes maximum.

At the meeting (and during any subsequent follow up contact), the D@W&S Contact will:

- Listen carefully and allow you the space and time to explore your issues in a safe environment;
- Through questioning techniques, help you to identify the key points and explore what action you might wish to take;
- Give guidance on the range of support and options available to you and information about how these might work, what the ‘next steps’ might be and their implications including:
  - informal actions and strategies available to you to try to address the problems (e.g. in the case of a complainant, approaching the respondent to explain how their behaviour has been experienced, assisting with the drafting of correspondence etc.).
  - formal actions that might be taken at the appropriate time (usually only after informal steps have not been successful, or in more serious cases), such as the Student Complaints Policy and Procedure, or the relevant Grievance Procedure for staff.
  - provide information regarding other sources of help, such as the counselling services available, Human Resources, the Students’ Union etc.
- Show empathy and sensitivity, and act in a professional and objective manner. The D@W&S Contact will record the key points of the meeting which will be passed on to the D@W&S Co-ordinator. This record of the meeting will not contain your personal details or those of any other person involved in the case. This record is for monitoring purposes and to identify possible trends, as well as providing a confidential record of any meetings.

D@W&S Contacts are able to accompany you to meetings, whether formal or informal, should you want this support.
Boundaries to the role of the D@W&S Contact

Whilst a D@W&S Contact will provide as much guidance and support as possible, he or she will reserve the right to refuse to be involved in any activity deemed inappropriate, such as a conflict of interest, or if they feel that unreasonable demands are being placed upon them. In these cases, the D@W&S Contact may either make a referral to another D@W&S Contact, or report the situation to the D@W&S Coordinator as appropriate.

D@W&S Contacts will not:

- make judgments on whether a case is bullying or harassment or the ‘guilt’ of the respondent - what they can do is to help to explain the definitions, and through discussion help you to reach your own conclusions and clarify your feelings;
- make decisions for you; you will need to determine how you wish to take matters forward - the D@W&S Contact can though, help facilitate this decision;
- undertake any kind of investigation or related activity on your behalf – any such action will be carried out by the nominated person in accordance with the relevant College process (e.g. Student Complaint Procedure or Staff Grievance Procedure);
- provide formal ‘counselling’; whilst D@W&S Contacts are fully trained in the College’s scheme, they are not trained counsellors, they can however provide information about where to get further help;
- act as an advocate; although they may accompany you to meetings or in exceptional circumstances make initial approaches on your behalf, it will be done in a facilitative capacity as a neutral external party.

It is important to remember that even though you may feel strong emotions regarding your issues, the D@W&S Contact also has the right to be treated with dignity and respect; therefore, no abusive behaviour towards a D@W&S Contact will be tolerated.
Appendix 2: Links to sources of help and support

Birkbeck Student’s Union

Student Wellbeing Services (encompassing Counselling Service, Mental Health Advisory Service, and Disability and Dyslexia Service)

College Dean - Jo Winning (j.winning@bbk.ac.uk)

Dignity at Work and Student Contacts

Academic Standards & Quality team (for student complaints or disciplinary cases)

Birkbeck Human Resources Department

Employee Assistance Programme (including access to staff counselling)

Trade Unions

- UCU
- UNISON
- Unite

Other Sources of Help and Support

The following organisations can offer additional help and assistance:

Citizens Advice Bureau
A source of free, independent, confidential and impartial advice, to any individual, regarding their rights and responsibilities.

ACAS (Advisory, Conciliation and Arbitration Service)
A source of free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. Helpline: 0300 123 1100

The Equality and Human Rights Commission
A source of expert advice and support on discrimination and human rights issues.

Nightline
A listening support and information helpline run by students for students. It offers non-judgemental, confidential listening support, no matter what the caller’s situation, and is open every night of term between 6.00 pm and 2.00 am. Tel: 020 7631 0101.

Samaritans
A UK charity which provides confidential, non-judgemental emotional support to anyone feeling distress or despair, including suicidal thoughts. Tel: (Freephone) 116 113.
MIND
The leading mental health charity in England and Wales. Their website contains many fact sheets on a broad range of topics, and provides tips for coping in various situations as well as more practical resources. Tel: 0300 123 3393 (9.00 am to 6.00 pm, Monday to Friday).

ULifeline
An American website which describes itself as an online resource centre for college student mental health and emotional wellbeing. It has a very useful ‘get the facts’ section, as well as students’ personal stories of their struggles.

Rape Crisis
Provides crisis and long-term specialised support, counselling and independent advocacy for women and girls of all ages who have experienced any form of sexual violence at any time in their lives; whether recently or in the past. Tel: 0808 802 9999 (12.00 pm to 2.30 pm and 7.00 pm to 9.30pm)

Victim Support
Provides a free counselling service for victims of crime. Tel: 0845 30 30 900.

London Lesbian and Gay Switchboard
Provides free and confidential support and information to lesbian, gay, bisexual and transgendered communities throughout the UK. Tel: 0300 330 0630 (10.00 am to 10.00 pm every day).

National Bullying Helpline
Offers help to both employees and employers to eradicate bullying in the workplace Tel: 0300 323 0169 (9.00 am to 5.00 pm, Monday to Friday)