



DIGNITY AT WORK AND STUDY: POLICY FOR JUNIOR MEMBERS

**MAGDALENE COLLEGE
CAMBRIDGE**

**ISSUED BY THE GOVERNING BODY
OF MAGDALENE COLLEGE**

Registered Charity Number 1137542

Dignity at Work and Study: Policy for Junior Members of Magdalene College

Magdalene College is committed to protecting the dignity of students as members of its community in their work, their study and indeed all their interactions with each other. It fosters a culture which values positive, supportive and open interactions, and which promotes good working relationships.

The College recognises that to work and study effectively people need a climate in which they are respected and valued for their contribution to work and study, irrespective of their sex, (including gender reassignment), marital, parental or partnership status, race, ethnic or national origin, colour, disability, sexuality, religion or belief, or age.

The College recognises its duty of care to students in this respect. Inappropriate behaviour can result in stress and stress-related illness. All members of the College share this duty, and especially those who have some responsibility for other members. The College expects all members of its community to treat each other with respect, courtesy and consideration at all times: all members of this community have the right to expect such behaviour from others, and a corresponding responsibility to behave in this way towards others.

There is a need, nevertheless, for procedures to deal with particular inappropriate behaviour, including bullying, harassment, victimisation, or discrimination, whether in teaching, learning, or social interactions, which may have a damaging effect on the well-being of individuals within the College. Behaviour is defined as inappropriate if it is: unwanted by the recipient; perceived by the recipient as violating his or her dignity, and as creating an intimidating, hostile, degrading, humiliating or offensive environment and, having regard to all the circumstances, including the recipient's perception, the behaviour could reasonably be considered as having that effect. The procedures for dealing with such behaviour operate in conjunction with the College's Complaints Procedures, which may be used if a formal complaint is made, or if the circumstances complained about do not fall clearly within the range described here.

If any student feels uncomfortable as a result of the inappropriate behaviour of a member of the College's staff, or a Senior member, or another student, the best resolution may well be by means of an open and honest discussion, with support if necessary from any of the following: fellow students, his or her Tutor, the Chaplain, one of the Harassment Officers, or a CUSU Officer.

If difficulties cannot be resolved in this way, this Policy provides two further procedures: *informal resolution* with the intervention of an appropriate member of the College's Fellowship, (normally the Senior Tutor), and/or mediation through conciliation by the College's Harassment Officer; and a *formal complaint procedure* according to which any complaints made about harassment, bullying or other inappropriate behaviour will be investigated independently, thoroughly and without delay, in accordance with the College's Complaints Procedure. Beyond this, complaints may be made only to the (national) Office of the Independent Adjudicator.

See **Appendix 1** for Informal Advice on how to proceed, and see **Appendix 2** for details of the procedure for informal resolution. For details of the College's Complaints Procedure, see the documents *Procedure for dealing with comments, suggestions and complaints from students* and for our specific policy on what constitutes harassment see the *Policy in cases of harassment*.

If a complaint is judged under the College's internal formal complaints procedure to be vexatious or malicious, disciplinary action will be taken against the complainant; however, disciplinary action will not be taken if a complaint made in good faith is judged to be unfounded.

If a complaint is judged under the procedure to be well-founded, action will be taken as necessary to solve the problem and prevent a recurrence. Its primary aim will not be to punish the person complained against; however, in cases involving wilful misconduct, appropriate disciplinary action may be taken. In certain cases where a criminal offence may have been committed the police may become involved.

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Informal advice for students

If you feel you are being harassed or bullied

You may find it useful to consider the following points:

Before deciding what to do about the situation, you will find it helpful to seek confidential help and advice. Many people find it difficult to think clearly about a situation which is causing them distress. Discussing the problem with someone else, such as a fellow student, your Tutor, the Chaplain, or one of the College's two Harassment Officers, gives you the opportunity to analyse how you feel about it, what effect it is having on you, and what you believe is needed to solve the problem.

Discussion with any advisor will normally be strictly confidential, and further action involving you will not be taken without informing you. You should be very careful to protect your own confidentiality, and must also protect the confidentiality of all others involved in the situation. You should be aware that there are limits to confidentiality. If you state that you do not want any further action to be taken, you may be asked to confirm this in writing. Action of some kind may, however, still need to be taken to protect you or others, although every effort will be made to maintain confidentiality.

You should always keep a record of the incidents which are causing you distress.

If you can avoid confrontation you have a better chance of solving the problem. If you are unhappy with somebody's behaviour towards you and feel able to tell him or her how you feel and what you would like to see changed, either face to face or by letter, this may resolve the situation and restore good working relationships.

If seeking a resolution in this way, you may want to ask for support as set out above, on a confidential basis, either to help you to work out what to say or to accompany you when you meet the person you are complaining about. Because of the possibility of counter-accusation or recrimination, it is probably wise to alert a supporting person to the problem before you approach the person concerned, even if you feel able to take this action on your own.

If you want to communicate this message by letter, you will find a simple form of words suggested at the end of this section.

Even if you are able to resolve the situation yourself, you may wish to inform an adviser in the College or that of the person complained against, so that he or she is aware of any situation or incident which could cause future difficulties.

Since formal complaint is commonly stressful and burdensome to all parties, it is important to make every effort to achieve resolution informally before resorting to it. If you have tried a direct approach and it has not worked, or if you do not feel confident enough to try it, you may ask an appropriate member of the College's Fellowship to seek to resolve the problem on your behalf. You may also agree to co-operate with the College's Harassment Officer, who will seek to mediate through conciliation.

If neither of these approaches has or would have the desired effect, or the matter is particularly serious, you can make a formal complaint to your Senior Tutor, who will then arrange for a formal investigation within a brief timescale, in line with the College's Complaints procedures.

Senior Members may belong to more than one institution or college; in such cases, the appropriate institution is that responsible for the context in which most of the relevant behaviour has taken, or is taking place, (e.g. Departments or Faculties for lectures, seminar or practical classes, and Colleges for supervisions). Complaints against other students are normally most usefully pursued within their college, but a University Department or Faculty may be appropriate, (e.g. if the behaviour takes place in the context of a class organised by the Department or Faculty).

In the event of any difficulty identifying the relevant institution, you may take advice from the Head of any or all of them; however, any complaint must be made through one Head of Institution only. You may be accompanied at any formal meetings by a friend or advisor, who may speak to supplement what you say yourself.

If you are not satisfied with the outcome of a formal investigation, you may complain to the Office of Independent Adjudicator for Higher Education.

If your complaint is not upheld you may still expect steps to be taken to help restore reasonable working relations between you and the person against whom you made the complaint.

If your complaint is not upheld and is found to be malicious or vexatious, disciplinary action may be taken against you.

If action is taken against someone as a result of your complaint, you can expect to be informed of this (though not necessarily of the nature of the action).

If the behaviour which is causing you distress involves messages or offensive material sent to you by computer and you cannot identify the source, you can contact the College Computer Officer for help, either directly or through your Tutor; if the source is outside the College then you, your Tutor or the College's Computer Officer (or his deputy) can send an email to **confidential@ucs.cam.ac.uk**, which will be dealt with by a senior member of the Computing Service.

Using the right words

The following suggests a format and some words which it may be helpful to use in a letter or in speech:

1. Describe the behaviour very precisely, where and when it happened. If you are vague, the person causing the problem may be able to pretend that he or she does not understand what you are talking about.
2. Tell the person how you feel about what has happened.
3. Describe the effect it is having on you, (you may find you are avoiding the person, or working less effectively so that your work performance is affected).
4. Say precisely what you want to happen. Including the steps outlined in 1-3 above you could write or say:

“On the (*date/day*), at (*time*), you (*describe the behaviour precisely*). Your behaviour made me feel (*describe your feelings and reactions*). I wish you to stop (*the behaviour*). You are harassing/bullying me and I have made a written record of the details. If this behaviour towards me is repeated, I may make a formal complaint”.

*This form of words (adapted from **Eliminating Sexual Harassment**, Herbert 1994, p.102), is one which should be recognised by everyone as a signal that a complainant is objecting to harassment or bullying and is seeking an informal resolution of the problem.*

Informal resolution by another person, or by conciliation

The complainant may be unable or reluctant to approach directly the person complained against. In such a case, the complainant may ask the Senior Tutor or the College's Harassment Officer for help in achieving an informal resolution of the problem.

If it is still not possible to resolve the difficulty informally to the satisfaction of the complainant, *conciliation* should be considered. Both parties must agree to this mediation, and either may withdraw at any stage of the process. The College's Harassment Officer, acting as conciliator, should meet the complainant within five working days to start the process and begin to seek a resolution with an expectation of achieving resolution within a further fifteen working days. Both parties are entitled to be supported by another person on the same basis as in the earlier stage of personal action by the complainant, but should consider whether this will be helpful in the presence of the conciliator. Everyone involved in the process must maintain appropriate confidentiality.

If for any reason the process does not seem to be working, or is taking an unacceptably long time, either party may withdraw from the process. In this case it becomes likely that a formal complaint and investigation will follow.

If neither an informal resolution nor conciliation succeeds in resolving the situation, or if, for whatever reason, the complainant chooses not to use one or other of them, he or she may decide to make a formal complaint to the Senior Tutor. If the Senior Tutor considers at this stage that an informal resolution may still be feasible and appropriate, he or she may discuss this option with the complainant. If, following this discussion, the complainant continues to request a formal investigation; this must be initiated in line with the College's Complaints Procedure, without further delay.

A formal complaint should be in writing, should contain enough detail to allow an investigation to be initiated by the person to whom the complaint has been made, and should append any relevant evidence. The complainant may ask a friend or advisor to help him or her to prepare a statement, to accompany them to any meetings in connection with the investigation and contribute to what is said. The person complained against may seek similar support.

The Complaints procedure incorporates a number of possible routes and outcomes. This is necessary in order to balance the rights and needs of both parties. The intention is to facilitate a non-confrontational approach to resolution, while ensuring that there is a clear formal route should it be necessary.

There may be circumstances in which an aggrieved party is unwilling or unable to make a formal complaint, but where the Senior Tutor considers that the implications for the aggrieved person or others actually or potentially affected, are serious. In this case the College's Complaints Procedure should be followed and a decision made as to whether further action, on the basis of such evidence as is available, would be appropriate. It is important in these circumstances that the right of the alleged perpetrator to natural justice is respected.