

Report of School of Languages, Cultures, Art History and Music in response to complaint of Christopher Hill

Professor Aengus Ward

Deputy Head of School

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Context:

This report is the School of Languages, Cultures, Art History and Music response to a formal complaint made by Mr. Christopher Hill, PhD student in the Department of Music, against the actions of Mr. Daniele Rosina, Director of Orchestral Studies and conductor within the University of Birmingham Music Society. Although the context in which the complaint arises is within the Music Society, which is not part of the School, as both parties are members of the School, the Head of School, Professor Helen Abbott, was asked to investigate. The authority to do so was delegated to Professor Aengus Ward, Deputy Head of School. For a variety of reasons, the response to the complaint falls outside the recommended 20 days after submission of it. However, all parties have been kept up to date about the progress of the investigation.

Allegations and Restitution

The essence of the complaint is that the actions of Mr. Rosina “constitute both **bullying** and **victimization**” of Mr. Hill, according to the Harassment and Bullying Policy, especially 6.1 (“Bullying can be defined as unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.”) and 8.2 (“Examples of victimisation may include labelling an individual a ‘troublemaker’ and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.”). For further context, 8.1 defines victimisation as “Victimisation is when a person (A) subjects another person (B) to a detriment because they have (or person A believes they have), in good faith, made allegations of Harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.”

In the terms of the complaint, this is alleged to have taken place on four separate occasions in the session, 2021-22 – specifically around 4th-8th November 2021; 28th February 2022; 6th June 2022, and the week leading up to the Summer Festival Orchestra Concert on 24th June 2022. The specific restitution mentioned at the end of the complaint submission is:

1. For a formal investigation into Mr. Rosina's conduct in his capacity as Director of Orchestral Studies, and in his various roles within the University of Birmingham Music Society.
2. Should such an investigation find Mr. Rosina to have acted in an unacceptable manner, that appropriate and swift action be taken against him so that his conduct will not continue to threaten the wellbeing of students and Music Society members.

At the time of the incidents described in the complaint, Mr. Rosina was acting as the Conductor of the University Orchestra, and Mr. Hill was the lead flautist in the orchestra and occupied the prestigious role of lead of the woodwind section.

Procedure:

As this investigation involves a complaint by a student against a member of staff, it is guided by the Toolkit for IOs on Student Concerns and Complaints 4.8. In particular, I drew to the attention of all parties the final paragraph, which might affect the possible range of outcomes in this case, given the restitution requested:

If your investigation shows that a member of staff might have done something wrong, you may recommend that the matter be considered by HR for them to determine whether or not it should be investigated further in accordance with relevant staff disciplinary measures. In such a case the IO's outcome letter to the student may state that the concern/complaints made against the member of staff will be referred to the Head of School or Professional Service and Human Resources for consideration under the relevant staff procedure but that the student will not normally be notified of the outcome as these procedures are of a confidential nature.

Interviews of parties involved and witnesses.

Following receipt of the complaint, I arranged an informal discussion with Mr. Hill on January 30th, in which we discussed various informal mechanisms for resolution of the complaint. Mr. Hill confirmed that he wished to pursue the formal complaint. As a result, I arranged a formal interview with him, which took place on February 6th, and we went through the complaint in some detail, clarifying a range of questions. Mr. Hill took the view that, were anonymous evidence statements permitted, a wide range of supporting statement would have been supplied, and requested that this be allowed. In a subsequent email exchange, I confirmed that I would only take into account signed testimony. Though Mr. Hill disagreed with this

procedure, for logical reasons which are included in the notes of the meeting, we agreed to pursue the complaint. Notes of the meeting were subsequently drafted and agreed as accurate.

I spoke to Mr. Rosina informally on February 2nd and informed him of the nature of the complaint. I subsequently interviewed him formally, by Zoom, on February 21st. Mr. Rosina denied at all times the formal charge of bullying and harassment made against him. I drafted notes of this meeting and these were subsequently agreed as an accurate account.

In response to the complaint, I also took submissions from the following witnesses or related parties, either in person, by Zoom, or by email:

Jo Sweet

Gavin Allsop

Rachael Gibson

Susan Miles (Administrator of Music Department)

Sam Pollacco (student, and present on 6th June)

Amira Campbell (student violinist and present at various moments)

Margaret Cookhorn (CBSO bassoonist and present on 24th June)

I also received testimonies to Mr. Rosina's character from Mark Butler, Alicia Hill and Hannah Coutts (former students); Elaine Ackers and Dian Clark (instrument tutors); Christina Hancock (former orchestra manager UoB); and Benjamin Noakes (manager of orchestral activity at RBC).

Findings

Incident 1

The initial incident reported in the complaint is alleged bullying by Mr. Rosina in the context of email exchanges around the 4th-8th December, 2021. The allegation is that Mr. Rosina wilfully ignored emails from Mr. Hill on the subject of pieces that Mr. Hill wished to propose for the Music Society Soloist Competition. Mr. Rosina, it is alleged, asked that the request for advice be sent to his personal Gmail account, but even then, the mails were ignored. Mr. Rosina states that he spoke to Mr. Hill in person and asked for details on the piece in question. When YouTube clips were provided, he asked (orally) that Mr. Hill provide him with a score, and this was not forthcoming. Whatever the outcome of this exchange, it is clear that the absence of a response to emails and the use of a personal, rather than university, email

account for official business, falls significantly below the threshold of good practice. It is also clear that this seems to have been Mr. Rosina's practice at the time for all such interactions, and to this extent, it is not the case that Mr. Hill was singled out. As a result of a range of such encounters, Mr. Rosina took part in a series of training sessions on the subject of standards in email communication in the first semester of 2022-23, as a result of which the School is confident that best practice is now, and will continue to be, in place. Mr. Hill, however, may well have suffered a detriment in this respect, and the School would like to apologise for any such detriment. He can, however, be confident that measures are now in place to avoid a repeat of the circumstances that affected him.

Incident 2

The second incident reported in the complaint concerns the events of 28th February 2022, when Mr. Hill suffered two accidents on his bike, one before and one after the rehearsal of that day. The allegation in this case is that after discussing a forthcoming necessary absence with Mr. Rosina in the rehearsal break, Mr. Hill was singled out for unfair and excessive criticism of his playing. Furthermore, after the subsequent accident, and during an ongoing absence from the orchestra, Mr. Hill contends that Mr. Rosina reportedly had plans to remove Mr. Hill from the orchestra in the future. Mr. Rosina contends, in response, that he had shown concern for Mr. Hill from the outset, and had encouraged him to miss the rehearsal. In the course of the rehearsal, he had not picked on Mr. Hill, though he did recognise that section leads are held to a higher standard and that as a result he may have commented in this light, as it was his view that Mr. Hill does not always accept direction and/or advice. Members of the orchestra present did not bear out the contention that Mr. Hill was picked on beyond what might be expected as part of the usual run of rehearsals, and no mention was made of this in the communication from Mr. Hill's family to the Department office at the time. Whether that practice falls within the boundaries of good practice is another question, and the School has already put in place procedures with Mr. Rosina to address the question of appropriate communication with students more generally. Mr. Rosina contends that his commentary on the absence of Mr. Hill from rehearsals was merely a practical question, of who could fill in for him while he was absent; the commentary from members of the orchestra then present does not contest this assertion. It is not clear that this event *per se* constitutes a breach of the bullying policy, though given the combination of events mentioned, it may be reasonable that Mr. Hill felt that it did. Mr. Hill can be content that measures are now in place with regard to appropriate communication between members of staff and students in this regard.

Incident 3:

The third incident concerns the events of 6th June 2022, and cover the brief use of a mobile phone in the first half of a rehearsal, a request for absence for the second half and a verbal altercation that happened as a result of the above. Mr. Hill recognises that he briefly used a mobile phone to check the time, and accepted the reprimand as a result. However, as many others regularly use mobile phones without being pulled up for it, he regarded this as being singled out. As he made to leave at the interval, he was approached by Mr. Rosina and suffered a tirade of accusations against his character and professionalism. Mr. Rosina's response is that he approached Mr. Hill at the interval to put the phone incident behind them, but that Mr. Hill became argumentative and made accusations of favouritism. As a result, he (Mr. Rosina) reacted to what he saw as a slight on his professionalism, and lost his temper. Various people present confirmed the nature of the interaction, but were not able to confirm the content of it. Whatever the circumstances, it is clear that Mr. Rosina's conduct on this occasion did not live up to the high standard expected of staff/student interactions – and in the course of the investigation he recognised that this was the case. The question of permissions for, and notification of, absences from rehearsals appears not to have been especially clear, and may have been partially responsible for some of Mr. Rosina's reaction. However, as this may also have been due to the issues mentioned in Incident 1, it is clear that the fault emphatically did not lie with Mr. Hill. The question of absences and notification recurs in incident 4, and is the subject of recommendation 2 below. The threshold for breach of the bullying definition “unwanted ‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient’” is quite high. It is not clear that the incident *was intended* to undermine, humiliate etc. Mr. Hill, although he may reasonably have experienced it this way. The question of harassment is dealt with in the conclusions.

Incident 4:

Incident 4 concerns two events on the week of the orchestral concert – the first on the Monday of that week, when Mr. Hill alleges that his agreed absence was commented upon in passive-aggressive fashion by Mr. Rosina, and again on the day of the concert in the course of the dress rehearsal when Mr. Hill attempted to leave for a condoned absence and another confrontation ensued, this time in front of the entire orchestra and some visitors (it was a University Open Day).

For context, I have been told by various parties that there is both a tacit, and explicit (<https://docs.google.com/forms/d/e/1FAIpQLSddKR7qcaOatA0KQLyvGEtumWsFykZ4h2WA9dn0XQNzYEvCQ/viewform>) understanding that participation in the full concert requires full participation in the dress rehearsal.

With respect to the assertion about passive aggressive comments on the Monday, I have not been able to substantiate the allegation. Mr. Rosina contends that he was outlining the parts which would be played by the absent flautist and that no sarcasm or passive aggressive comments were intended.

With respect to the dress rehearsal, there is a significant difference of representation of the facts. Mr. Rosina denies that he raised his voice or yelled, but rather pleaded with Mr. Hill to stay for a short time to complete a particular passage. It emerged in the course of the investigation that there was some confusion over the permissions granted and the communication of these. Several of the witnesses expressed surprise that any absence from dress rehearsals had been asked for, or granted. Partially because of the questions mentioned in Incident 1 with regard to the use of emails, it emerged that Mr. Rosina was not aware that Mr. Hill had been granted an absence from this rehearsal. This, of course, was not Mr. Hill's fault, but one of process. As a result of this misunderstanding, several other misunderstandings ensued. Witnesses speak of Mr. Rosina's tone of voice and clear exasperation which caused the orchestra to fall silent, and Mr. Hill's disrespectful tone in addressing Mr. Rosina. It is clear that a range of factors were involved in this altercation. Mr. Rosina's actions on this occasion may not pass the test for bullying, but they were not appropriate.

In addition to the concrete events mentioned here, the complaint also alludes to the question of Reasonable Adjustment Plans, and how these are taken into account. This is addressed in recommendation 3 below.

Conclusions and recommendations

As the test of the bullying is quite high, I am not convinced that Mr. Rosina's actions in the 4 incidents constitute bullying. There is no doubt that on occasions his interactions fell below the standard which one would expect in this context, as he himself recognises, and there are recommendations in this regard below.

Mr. Rosina denies that his commentary in Mr. Hill's absence constitutes victimisation. In the absence of substantiation of Mr. Hill's comments in this regard (but bearing in mind his commentary on the impossibility of such substantiation without breaking the anonymity of the witnesses), it is not possible to state that Mr. Rosina engaged in victimization. Mr. Hill was repeatedly chosen in auditions in the past, and was appointed to the lead chair in the woodwind section ahead of many other candidates.

Harassment is defined as being: 'Unwanted conduct related to a protected characteristic which has the purpose or effect of: violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.' While the student does indeed have a protected characteristic, and associated RAP, there is no direct evidence to suggest that the conduct which is the subject of the complaint is directly related to it; as a result, the incidents cannot themselves be considered harassment. However, they may certainly have been experienced as something similar by Mr. Hill.

It is clear that some of the incidents described here were brought about as a result of procedures which could have been more robust, or fully put in place. With regard to Mr. Rosina's interactions with students and use of personal email. The School, in agreement with Mr. Rosina, has put in place the following measures:

In order to support you and move towards improved communications and better working environment for you and the wider Music team, we agree the following to help manage your ongoing performance:

- 1. Continue (following agreement of March/April 2022) to conduct all University business via official University email, Teams, Canvas (including all module materials), and not using your personal Gmail*
- 2. Create better awareness of professional etiquette / verbal / written conduct by providing you with access to training.*

Measures to facilitate these agreements were put in place in semester 1, 2022-23, and the School should ensure that these have taken full effectiveness.

It is not clear that the precise restitution which Mr. Hill seeks in the complaint is one which is available to this process, which is specifically to investigate concrete incidents and not a general investigation of the operation of the Music Society. Nonetheless, and as mentioned above, Mr. Rosina has already, in concert with the Head of School, undertaken some training in respect of communication and appropriateness of interactions, and it is intended that this will address the concerns expressed generally in the complaint.

Recommendation for the School:

1. Clarification of reporting lines and management of staff involved in extra-School activities.

Recommendation for the College/University in respect of the University Music Society:

1. Ensure that all staff members are fully cognisant with standards of professional interaction.
2. Review practice and put in place a robust procedure for notifying absence from rehearsals.
3. Review practice and put in place a robust procedure for taking RAPs into account in ensembles.
4. Formalise procedure for presenting student concerns at an early stage.
5. Ensure that rehearsal schedules are published sufficiently in advance.