

Dignity at Work Bullying and Harassment Policy

Date approved:	1 st June 2011	Date policy will take effect:	1 st June 2011	Date of Next Review:	1 st January 2014
Approving Authority:	Academic Council				
Responsible School/Unit:	Human Resources				
Consultation undertaken:					
Supporting documents, procedures & forms of this policy:					
Reference(s)					
Audience:	Public – accessible to anyone				
Category:	Working at the Institute				

1 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment(s)
1	01/06/2011	Academic Council (AC:DOC:000:00:00)	

31st January, 2011

Dignity at Work - Bullying and Harassment Policy

Dundalk Institute of Technology and all staff/student unions fully subscribe to this Policy and are committed to creating an environment within the Institute that is free of bullying and harassment and which promotes personal integrity and dignity. Management and staff/student unions are committed to promoting such an environment in the Institute through this policy.

Bullying, harassment and sexual harassment will not be tolerated in D.K.I. T.

The Institute recognises that bullying and harassment can seriously damage working and social conditions for staff and students. This policy outlines behaviour that would be considered inappropriate or unacceptable and provides procedures for the making of and dealing with complaints.

While all staff and students of the Institute are responsible for creating a work and learning environment free of bullying and harassment, particular responsibility lies with management to ensure that proper standards of behaviour are maintained.

This policy is not intended to stifle normal healthy relationships amongst staff or students but, rather, is intended to promote a healthy working and learning environment. This process is internal to Dundalk Institute of Technology.

The policy is in compliance with the recommendations of a Government Task Force Report on Bullying in the Workplace and the three Codes of Practice issued under the Safety, Health and Welfare at Work Act 1989, the Industrial Relations Act 1990 and the Equality Act 2004 respectively:

- The Health & Safety Authority's ***Code of Practice on the Prevention of Workplace Bullying***
- The Labour Relations Commission's (LRC) ***Code of Practice Detailing Procedures for Addressing Bullying in the Workplace***
- The Equality Authority's ***Code of Practice on Sexual Harassment and Harassment at Work***

Introduction

Management and all staff/student unions are committed to ensuring a workplace and learning environment that is characterised by mutual respect, tolerance and affirmation.

Bullying and harassment are behaviours that are destructive to a positive working atmosphere and will not be tolerated. Institute staff /students have the right to work/study in an environment free from any form of bullying or harassment. Breach of this policy on bullying and harassment may be grounds for disciplinary action ranging from a verbal warning up to and including dismissal for serious offences. If someone experiences offensive behaviour and makes a complaint using the Institute's Bullying and Harassment Procedures, s/he will be protected from any victimisation resulting from the complaint.

Bullying and harassment in the workplace are not new phenomena, however they are only recently recognised as problems of significance. The adverse personal and organisational effects of bullying and harassment are increasingly being acknowledged. Personal effects can be physical or psychological. Organisational effects are both tangible and intangible i.e., increased absenteeism, low morale, poor performance levels, poor student attendance, reduced student retention and increased staff turnover. Employees working in a climate of fear and resentment cannot give of their best. The learning institution may suffer a loss of effectiveness and creative input. It is possible that the image and wider reputation of the organisation will also be damaged.

Bullying and harassment undermine the confidence and dignity of individuals and, particularly if they are tolerated and accepted as the norm, have a significant adverse effect on the work atmosphere. Harassment and bullying can occur in any workplace and therefore this policy aims to inform Institute staff/students of their rights and responsibilities in relation to this problem.

Scope

All staff, students, contractors, customers, etc. will be expected to, comply with this policy. Management, in particular, will take appropriate measures to ensure that bullying/ harassment does not occur.

Appropriate disciplinary action, including dismissal for serious offences will be taken against any staff member/student who violates this policy.

The policy applies to staff members/students both in the workplace and at work or student associated events such as meetings, conferences, and work or student related social events, whether on the Campus or off site.

The policy applies to bullying/harassment not only by fellow staff members/students but also by a client, customer or other work or student related contact to which a staff member or student might reasonably expect to come into contact with in the course of their employment or study.

Prevention

The best way to eliminate bullying and harassment in the workplace is to create and maintain an environment that discourages such behaviour. All employees have rights and responsibilities in relation to bullying and harassment

All DKIT staff/students have the right to:

- Work/study in a physically & psychologically safe environment free from any form of bullying, harassment or sexual harassment
- be treated with respect & dignity
- be treated with equality & fairness
- access to an appropriate & effective grievance process.
- be protected from any victimisation resulting from making a complaint through the complaints procedure with regards to unwanted offensive treatment.

All DKIT staff/students are responsible for:

- treating everyone in the workplace with respect & dignity
- being aware of the impact of their own behaviour that could cause offence to another member of staff and make them feel uncomfortable or threatened
- reporting to relevant personnel any action or omission, either observed or reported, that might endanger the health & safety of others
- being familiar with, & utilising where appropriate, the organisation's anti-bullying & harassment and sexual harassment policies & procedures
- co-operating with any investigation initiated, whether as complainant, respondent or witness

Managers and supervisors at DKIT are responsible for:

- managing with integrity & fairness
- addressing & discouraging bullying, harassment and sexual harassment behaviours
- taking seriously any complaints of bullying, harassment or sexual harassment and dealing with them in an expeditious and supportive manner.

As in all matters of discipline, safety and welfare, it is primarily the responsibility of management to uphold and implement proper standards in the workplace. Institute management will respond promptly to complaints of harassment or bullying and will deal with all complaints in an expeditious and supportive manner.

Definition of Bullying and Harassment

Bullying at work has been defined as 'repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour in this definition may be an affront to dignity but as a once-off incident is not considered to be bullying.

Bullying puts at risk the safety, health and welfare of people at work.

A pattern of the following behaviours are examples of types of bullying:

- Exclusion with negative consequences
- Verbal abuse/insults
- Physical abuse*
- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work
- Humiliation
- Withholding work-related information
- Repeatedly manipulating a person's job content and targets
- Blame for things beyond the person's

control This list is not exhaustive.

The following are examples of behaviour which can constitute bullying. The list is not exhaustive and other behaviours, which have a negative impact on individuals, may also be deemed to constitute bullying.

- Open aggression, threats, shouting, abuse or obscenities directed towards a colleague.
- Horseplay, offensive gestures and unwanted physical contact.
- Derogatory or offensive nicknames.
- Subjecting a colleague to constant humiliation, sneering, ridicule or using a person as a constant butt of jokes.
- Maligning or spreading malicious gossip about a colleague.
- Subjecting a colleague to unreasonable scrutiny with persistent unwarranted criticism about minor matters.
- Undermining a person's authority, work or achievements.
- Removing, for no justifiable reason, areas of work responsibility from an individual.

- Setting impossible and unreasonable objectives for an employee, or constantly changing the work requirements without telling him/her and criticising or reprimanding him/her for not meeting these objectives or requirements.
- Deliberately withholding information that an employee needs to do his/her job effectively.
- Shunning or marginalising a colleague, excluding him/her from discussions, decisions etc. or refusing to deal directly with him/her in the workplace.
- Deliberately blocking another staff member's professional development/progression. Factors which are known to signal a risk of bullying at work are:

- **High turnover of staff, high absenteeism or poor morale**
- **Employment tenure** – a bully may regard new, casual or contract employees as easier targets than permanent employees;
- **Hierarchies** – hierarchies involving, for example, technical or non-professional employees working to professionally qualified employees which can sometimes present higher levels of bullying;
- **Changes in the workplace** – workplace changes which can increase the risk include change in ownership, new manager or supervisor, introduction of new work performance measures or of new technology or internal re-organisation;
- **Management of relationships in the workplace** – bullying may be more likely to happen in workplaces that do not have an effective management system which respects persons and monitors and supports work relationships;
- **Personality differences** – petty jealousies, personal biases, taking advantage of vulnerable or less 'street-wise' individuals can contribute to bullying;
- **Gender/age imbalance** – bullying may be more likely where there is an age or a gender imbalance in the workplace;
- **Other factors** include the composition of the workforce, interface with the public, history of tolerance of unacceptable behaviour, lack of or inadequate procedures or disregard of procedures for dealing with bullying.

Bullying should not be confused with:

- workplace inter-personal conflicts which may, in themselves, be damaging and stressful but which do not necessarily constitute bullying.
- the fair and reasonable conduct of their duties by Institute management.
- industrial relations difficulties, which should be handled using the appropriate industrial relations procedures.

Who bullies at work?

It is not possible to describe all bullies but persons who engage in bullying at work may have certain personal characteristics such as poor communication skills, difficulty in working with others, difficulty in delegating responsibility, poor organisational skills or low self-esteem. Good job design, training and supervision can help overcome these difficulties.

Bullying is recognised as being present in other walks of life such as in schools and in the home and bullying at work may be part of a wider cultural background.

Role of Employees/Students – Prevention

Employees/students have rights and duties as regards safety, health and welfare at work under the Safety, Health and Welfare at Work Act 2005 .

Employees/students have rights to be treated with dignity and respect at work or in the classroom and not to have their safety, health or welfare put at risk through bullying by the employer, by other employees/students or other persons. They have a right to complain to the employer or Institute if bullied and not to be victimised for so doing. They have a right under safety and health laws to be represented in raising this with the employer or Institute.

Employees/students have a duty to behave and conduct themselves so as to respect the right of employers and other employees/students to dignity, courtesy and respect at work and the right not to be placed at risk as regards to their safety, health and welfare from bullying at work. Employees/students should also co-operate by providing any relevant information when an allegation of bullying at work is being looked into whether in an informal or formal stage.

Role of Employer – Prevention

Every employer has a duty to manage and conduct work activities in such a way as to prevent any improper conduct or behaviour likely to put at risk employees' or students safety, health or welfare at work. The prevention of bullying must therefore be part of the management system.

The employer must consider if bullying at work is likely to be a hazard, the extent of risk involved and what preventive measures are necessary.

What preventive measures are

recommended? Measures to prevent bullying

at work include:

- Having in place a Bullying Prevention Policy which adequately addresses the risks that have been assessed. The policy should be clear in how it will measure implementation. (Where bullying has been identified as a risk, this policy must be referenced or included in the Safety Statement)

- Providing appropriate training and development at all levels but particularly for line manager roles;
- Ensuring clarity of individual and department goals, roles and accountabilities;
- Ensuring access to relevant competent and supportive structures both internal and external.

Discrimination is defined in the Equality Act 2004 as the treatment of a person in a less favourable way than another person was, is or would be treated on nine distinct grounds:

- Gender
- Age
- Disability
- Family status
- Marital status
- Membership of the Travelling community
- Race, ethnic origin or colour
- Religion
- Sexual Orientation

The Equality Act 2004 extended the definition of harassment to include discrimination which arises where one of the nine grounds is imputed to a person or where a person who is associated with another person, and is treated by virtue of the association, less favourably than another person.

The Equality Act 2004 outlaws discrimination in the course of employment whether by an employer, another employee or by clients, customers or business contacts of the organisation.

Harassment as outlined in the Equality Act 2004 is any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the person and could reasonably be regarded as offensive, humiliating or intimidating.

Many forms of behaviour may constitute harassment including:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities

- Pressure to behave in a manner that the person thinks is inappropriate, for example being required to dress in a manner unsuited to a person's ethnic or religious background.

Harassment based on the following grounds – marital status, family status, sexual orientation, religious belief (or none), age, disability, race, or membership of the Traveller community – is a form of discrimination in relation to conditions of employment and is covered by the Employment Equality Act.

Sexual harassment is a form of discrimination on the gender ground in relation to conditions of employment. The definition of sexual harassment includes any

- Act of physical intimacy
- Request for sexual favours
- Other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

Many forms of behaviour can constitute sexual harassment. It includes examples contained in the following list which is illustrative rather than exhaustive. A single incident may constitute sexual harassment.

- Physical conduct of a sexual nature this may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another person's body, assault and coercive sexual intercourse.
- Verbal conduct of a sexual nature – this includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- Non-verbal conduct of a sexual nature – this may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.
- Sex-based conduct – this would include conduct that denigrates or ridicules or is intimidatory or physically abusive of a person because of his or her sex such as derogatory or degrading abuse or insults which are gender related.

In the case of both harassment and sexual harassment it is up to the individual subjected to the behaviour to determine what behaviour is unwelcome, irrespective of the intention of the perpetrator or the attitude of others to the matter.

Support Services

Given the often personal nature of bullying and harassment, the individual/recipient may need to discuss his/her concerns in total confidence with someone else, in a safe environment. The Employee Assistance Programme is

available 24 hour a day for Institute employees and can be contacted directly at any stage for counselling, support

and guidance throughout the process. The EAP is available to all parties at all stages for support. In the case of students, the Institute's Counselling Service is available at all stages for support.

If you believe that you are being bullied or harassed, you can seek information or assistance in strictest confidence from any of the **Contact Officers** (See Appendix 1 for role). A list of Contact Officers is available in each School/Department/Function area.

Procedures for Dealing with Concerns/Complaints of Bullying and Harassment in Dundalk Institute of

Technology Purposes of Complaints Procedure:

- To provide a fair, consistent and expeditious mechanism to process complaints of bullying and harassment against staff or students.
- To afford all concerned full rights in accordance with natural justice.
- To outline the rights and responsibilities of the employer, the staff member or student and their representatives in relation to complaints of bullying and harassment being made.

Not covered by these procedures:

- Matters of the professional competence of lecturers which cannot be dealt with at Institute level or which are referred to the Department of Education and Science for investigation under the terms of agreed circular letters.
- Anonymous complaints.
- Complaints which are the subject of legal proceedings.

Informal Procedures

STAGE 1 – INFORMAL

1.1A staff member or student who feels that s/he has been bullied or harassed should, if they feel able, immediately ask the person involved to stop. It may be possible and sufficient for the employee or student concerned to explain clearly to the person/s engaging in the unprovoked conduct that the behaviour in question is unwelcome, that it offends them, or makes them uncomfortable and that it interferes with their work.

1.2 If the individual with a concern/complaint is unsure about the best option for them to deal with the issue, s/he can speak to a **Contact Officer**. The Contact Officer's key role is to provide information and support for those with concerns and/or complaints of bullying /harassment in the strictest confidence.

It is not the role of the Contact Officer to assess the situation, or to make decisions on behalf of or recommendations to the complainant. They will provide a vital “first port of call” for those unsure of what course of action to take.

See Appendix 1 for a detailed outline of the role and characteristics of Contact Officers

Following consultation with a Contact Officer the individual with a concern/complaint may decide to take no action at present. The goal for the interaction is for the individual to make an informed decision about the best course of action for their particular situation.

13Should the individual decide, after consultation with the Contact Officer, that they wish to resolve the matter informally and internally, but require assistance to do so, the Contact officer will advise the complainant of the **Resolution Facilitator** in each School/Function area of the Institute. The Resolution Facilitator will, with the complainant’s consent, facilitate the informal resolution of the concern/complaint.

14Resolution Facilitators will be staff/student members with similar characteristics to Contact Officers. In addition to being familiar with and having a good knowledge of workplace bullying/harassment, they will receive intensive training in fulfilling their role, particularly resolving issues informally.

See Appendix 2 for a detailed outline of the role and characteristics of Resolution Facilitators in Informal Procedures

1.5If after attempting to resolve the issue informally and internally has not brought a resolution, the issue of outside Mediation should be considered.

Mediation

Before embarking on an investigation of the complaint, both parties shall consider the possibility of outside mediation. Mediation is a voluntary process that can only be undertaken if both parties agree. It can also end at any stage if either party decides to do so. If the Resolution Facilitator, after consultation with the Human Resource Manager in the case of employees and the Academic Affairs Manager in the case of students, considers that the matter is appropriate for mediation, he/she should write to both parties within 10 working days of receiving the complaint, outlining the procedures for mediation. **Details of the process are set out in Appendix 3.** The possibility of outside mediation should be open to the parties at any stage. If the matter proceeds to an investigation the Investigators should also facilitate referral to mediation if requested to do so by both parties. The person provided to provide mediation services should be qualified in workplace mediation. The Human Resources Manager will provide a list of such qualified personnel. If agreement is not reached and the mediator considers that the matter cannot be resolved by mediation, the mediator shall write to the parties and to the Resolution Facilitator to that effect. The matter should then be referred to stage 2.

Information disclosed in the course of mediation must remain within the mediation process and will not be given by the mediator to an investigator if there is a subsequent investigation.

If after attempting to resolve the issue informally through internal and/or external mediation, the behaviour complained of does not cease, or if, in the first instance, it is of such a nature that the individual (normally following discussion with a Contact Officer or Resolution Facilitator) considers that it should be reported, the matter should proceed to stage 2. The process of informal resolution should be completed as soon as possible by the Resolution Facilitator.

STAGE 2 – FORMAL PROCEDURES

If the issue is not resolved at stage 1, the individual may lodge a formal complaint in writing.

21 The written complaint should be submitted to the **Complaints Officer**

See Appendix 4 for an outline of the role of Complaints Officer in the Formal Procedures

22 Having reviewed the complaint to determine whether there is any possibility of resolving the issue informally or through further Mediation, the Complaints officer will:

- Inform the respondent, in writing, of the complaint
- Appoint an investigation panel or refer for further Mediation with the agreement of all parties
- Facilitate the process of the investigation.

Investigation

23 All allegations shall be investigated by a minimum of two (2) **Investigators**, with gender balance where appropriate. The Investigators shall be responsible on behalf of management for investigating any complaint of bullying/harassment and making a finding.

See Appendix 5 for an outline of the role of Investigators in the Formal Procedures

2.4 Investigations of any complaint will be handled with sensitivity and with due respect to both the complainant and the subject/s of the complaint. It is understood that all complaints will be investigated with minimum delay. In the case of a formal complaint, it is anticipated that all parties concerned will cooperate fully with the investigation undertaken. Failure by any party to cooperate will not prevent the processing of an investigation to conclusion.

The Investigators should commence by:

- (a) Ensuring that the staff member/s or students complained of has a copy of the written complaint and invite his/her written response.
- (b) Gather all relevant documentation.
- (c) Set up and maintain an investigation file.
- (d) Identify an initial list of who should be interviewed.
- (e) Commence interviewing.

Statements from all parties should be recorded in writing as the use of written statements tends to make matters clearer from the outset and maintains clarity throughout the investigation. Copies of the record of their statements should be given to and agreed with those who make statements to the investigator.

All parties should continue to work normally, if possible during the investigation.

The objective of an investigation is to ascertain whether or not, on the balance of probabilities, the behaviours complained of occurred. Evidence and witness statements are relied on for this purpose.

2.5 A colleague or another person of his/her choice may accompany the complainant and the subject of the complaint. The discretion to afford representation by the relevant union to either party rests with the relevant union.

2.6 The Investigators shall convey the outcome of their investigation in writing, to the parties to the complaint normally within **10 working days** of the meeting(s) referred to in 2.2(b). This notification of outcome shall indicate whether the Investigators consider the complaint to be upheld, unfounded, or unfounded and malicious. This report will be forwarded to all parties to the complaint and the President of the Institute attaching all relevant documentation in a sealed envelope, Note: In the case of students only, the report is furnished to the

Registrar. The role of the Investigators in the process concludes upon the presentation of their report to the President or Registrar of the Institute.

2.7 On receipt of the report from the Investigators, the President or registrar for students shall satisfy himself/herself that all appropriate steps have been taken to carry out a thorough and impartial investigation.

2.8 The President/Registrar shall within **5 working days** notify all parties to the complaint in writing of the outcome as reported by the investigation stage. The President/Registrar will also inform all parties of their right to make an appeal to the Appeals Consideration Committee as provided for in 2.9. In cases where complaints have been made against more than one person, a separate report will issue in respect of each person against whom a complaint is made.

2.9 The Complaints Consideration Committee established will normally consist of three persons: a nominee of management, a nominee of the relevant union and an independent chairperson agreed between both management and union.

However, where more than one union is involved in the complaint, each union will be invited to make a nomination to this Committee. The Committee in these circumstances will consist of an equal number of union and management nominees.

2.10 Where an appeal is submitted, the President/Registrar will within **3 working days** furnish a copy of the full investigator's report and all relevant documentation to the Appeals Consideration Committee.

STAGE 3 - APPEALS CONSIDERATION COMMITTEE

- 3.1(a) The Appeals Consideration Committee will normally convene within **10 working days** (of receipt by the Committee of the Appeal) to consider the report and accompanying documentation (as referred to in 2.6) forwarded for its attention. All parties will be invited to make a formal presentation of his/her case to the Committee.
- (b) The subject of the complaint may be accompanied and represented by a colleague or another person of his/her choice. The discretion to afford representation by the relevant union rests with the relevant union.
- (c) The complainant may be accompanied and represented by a colleague or another person of his/her choice. The discretion to afford representation by the relevant union rests with the relevant union.
- (d) The Committee may, at its discretion, be assisted by a person drawn from an agreed national panel of experts established through agreement between Management and all staff unions/student union where applicable.
- (e) All meetings/hearings of the Committee will normally take place within **30 working days** of the receipt by the Committee of the Investigating Officer's report.
- (f) When the Appeal Consideration Committee has completed its deliberations, the Committee's findings shall be conveyed in writing, by the Committee to the subject/s of the complaint, the complainant and the President/Registrar, normally within **5 working days** of the findings being set down. The subject/s of the complaint will be advised of any recommended disciplinary sanctions and any disciplinary enquiry will be initiated under the agreed Institute's disciplinary procedures.

3.2 The finding(s) of the Appeals Consideration Committee concludes the internal process.

4. UTILISATION OF THE LABOUR RELATIONS COMMISSION SERVICE – Employees only

If full utilisation of the range of available internal and external procedures has not resolved a complaint, any party will have the option of referring the matter to the Labour Relations Commission/Rights Commissioner Service/Conciliation service of the Labour Relations Commission. All parties to the complaint will be invited to present their case to an Independent Reviewer i.e. a Rights Commissioner. The complainant and the subject of the complaint may be accompanied and represented by a colleague or another person of his/her choice. The discretion to afford representation by the relevant union rests with the relevant union.

The Labour Relations Commission service can assess how procedures were applied in bullying cases and thereafter intervene in a range of ways, including, where appropriate, carrying out a new investigation. Application for a Labour Relations Commission service hearing must be made directly by the appellant, citing the Industrial Relations Acts 1969 – 2001. Application forms for such hearings are available on-line (www.lrc.ie) or by request from the Labour Relations Commission. Findings of Rights Commissioners, which are delivered in the form of a recommendation, can be appealed to the Labour Court.

5. Action Post Investigation - Employees

Where a complaint is upheld a disciplinary hearing will take place. The disciplinary action to be taken will be in line with the Institute's agreed disciplinary procedures. Should a case of bullying/harassment be proven then the Institute will take appropriate disciplinary action. This may include the sanctions outlined hereunder.

Disciplinary Sanctions

Disciplinary sanctions will be in line with agreed disciplinary procedures and include:

- (i) An oral warning
- (ii) A written warning
- (iii) A final written warning
- (iv) Deferral/Denial of an increment(s)
- (v) Demotion
- (vi) Suspension with pay
- (vii) Deferral of increment(s)
- (viii) Removal of increment(s)
- (ix) Demotion and Consequent Reduction in Pay
- (x) Suspension without Pay
- (xi) Dismissal

The steps in the procedure should be progressive (e.g. oral warning, written warning, a final written warning etc.). There may be instances where more serious action is warranted at an earlier stage. Written warnings will be placed on an individual's record and may be removed after an agreed specified period of time in accordance with the agreed national procedures.

Any proposed disciplinary sanctions will be processed in accordance with the terms of the Institutes of Technology Act, 1992 to 2006 (as amended) and other relevant employment legislation.

N.B. In the case of students, they will be dealt with in accordance with the Institute's Code of Conduct and Disciplinary Procedures for Students.

Action where the complaint is not upheld

If the complaint is not upheld, staff can be assured that bona fide complaints will not be viewed as malicious. While a malicious complaint may be dealt with as misconduct or gross misconduct depending on the seriousness of the case under the agreed national procedures, this should not deter staff from making genuine complaints.

Protection and Support

Staff and students shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against a member of staff or student for complaining about bullying/harassment is considered a

disciplinary offence. Regular checks will be made by the Investigation Officers to the complaint to ensure that the bullying/harassment has stopped and that there is no victimisation.

Malicious Complaints

If, following investigation, a complaint is found to be untrue and reckless or malicious, the disciplinary procedure will be invoked against any person who may be found to have been untruthful or acting in a reckless or malicious way with regard to the complaint or have knowingly or recklessly abused the Institute policy and procedure on dignity and respect at work. The appropriate disciplinary action may be up to and including dismissal.

Assistance in the Event of Bullying and Harassment

Every effort will be made to assist, if they so wish, persons who are victims of bullying/harassment to deal with the problem and where requested, the services of a counsellor will be made available by the Institute through the Employee Assistance Programme or Institute Counselling Service for students. Persons who bully/harass others may be requested to attend counselling to prevent further incidences of harassment occurring. The Institute may make access to such counselling available.

Record Keeping

At all stages of the formal complaints procedure a clear record should be kept of:

- The investigation undertaken.
- All communications to/by the complainant, the subject/s of the complaint, the Resolution Facilitator, the Investigator, the Appeals Consideration Committee, the President (or Registrar), the Independent Mediator and the Institute.
- The steps and all the decisions taken.

Where a complaint has been rejected or deemed unfounded, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in respect of a rejected/unfounded complaint shall be removed from the personnel file of the subject/s of the complaint. A statement of the outcome of the investigation will conclude all other files.

Training and Review

The Institute is committed to providing ongoing training for staff/students involved at all stages of this procedure. These staff/students should receive refresher training at least once per academic year. The Institute will also ensure that those with responsibility as managers/supervisors will be provided adequate training. This policy will be monitored and amended as required in line with changes in practice and legislation.

Appendix 1 Contact Officers

The Role of the Contact Officer

The Contact officer will offer support through listening to the individual with a concern/ complaint and facilitating open and objective discussion of the situation. They will assist them to articulate their problem and to explore the possible resolution options available within the organisation's policy, namely:

- self-initiated attempts at informal resolution (using recognised strategies for confronting problem behaviour),
- assisted attempts at informal resolution, and
- making a formal complaint.

Contact Officers will be available in all School/Function areas. They will be staff or students who are empathetic, genuine, and non-judgmental and all will be familiar with, and have a good knowledge of;

- all aspects of workplace bullying
- the organisation's policies and procedures, counselling / support services available to victims
- how investigations are conducted
- the legislation relating to bullying and harassment

List of Names of Contact Officers are available in each of the School/Department/Function offices

Appendix 2 Resolution Facilitators

The Role of the Resolution Facilitator in the Informal Procedures

The role of the resolution facilitator is to attempt to facilitate a resolution of informal concerns/complaints of bullying and/or harassment.

The steps of the process are as follows:

- Receive the concern/complaint of bullying or harassment
- Explain procedures, various options and their implications – to ensure an informed decision has been made
- Review concern/complaint with individual
- Inform other party that there is an informal concern and that assistance has been requested to help resolve it
- Outline the process (e.g. no blame, generating agreement on how to work together in the future)
- Facilitate the process of reaching agreement, using appropriate skills
- Monitor the agreement reached
- Conduct review meeting/s
- Conclude process

Resolution facilitators will be members of staff who are empathetic, genuine, and non-judgmental and all will be familiar with, and have a good knowledge of:

- all aspects of workplace bullying
- the legislation relating to bullying & harassment
- the organisation's policies & procedures
- the informal resolution process

Resolution facilitators will be trained in the use of mediation skills to resolve issues informally.

***Note:** a resolution facilitator who has been involved in attempts to resolve a concern/complaint informally should not be involved in any subsequent formal complaint relating to the same issue.*

List of Names of Resolution Facilitators are available in each of the School/Department/Function offices

Appendix 3 The Mediation Process

Mediation is a voluntary process: it can only be undertaken if both parties agree and it can end at any stage if either party decides to do so.

The following principles apply to mediation:

- Consent to mediation is sought independently from both parties
- If both parties consent, a meeting is convened by the mediator as soon as practicable after the decision to appoint a mediator is made
- The mediator is impartial and does not take sides with either party. The role of the mediator is to assist the parties to negotiate their own agreement and not in making decisions for or imposing solutions on them
- Mediation is voluntary. Either party may withdraw the initial consent at any stage and mediation will be terminated immediately. The complainant may request the resumption or initiation of an investigation under the Institute policy at any stage
- Accompanying persons such as a colleague, friend or trade union representative, are welcome at mediation and the mediator will agree with the parties at the outset as to how they can contribute to the mediation process
- It is the responsibility of the parties to identify, if necessary with the help of the mediator, the issues on which they wish to negotiate. The parties are responsible for the terms of agreement which they reach
- Mediation is conducted in private and the terms of the agreement are private. No details of what occurs within the process will be formally recorded or placed on personnel files. Information disclosed at mediation will not be made available to an investigator in the event of an investigation being carried out subsequently
- Sessions are normally held jointly but in some instances it may help the process to have separate confidential meetings with the parties. The mediator will agree with parties in advance how this process will operate.

Appendix 4 Complaints Officer

The Role of the Complaints Officer in the Formal Procedures

The role of the Complaints Officer in the formal procedures is to process formal

complaints of bullying and /or harassment.

The steps of the process are as follows:

- Receive written complaint
- Provide complaint in writing to respondent
- Draw up terms of reference for investigation
- Gain agreement to terms of reference
- Appoint investigator
- Provide relevant documentation to investigator
- Provide administrative support during the investigation
- Ensure final investigation report is circulated to relevant personnel

The current Complaints Officer is Ms. Loretto Gaughran, Freedom of Information Officer

Appendix 5 Investigators

The Role of the Investigator in the Formal Procedures

It is the role of the investigator to investigate formal complaints of bullying and/or harassment with a view to determining whether bullying and/or harassment occurred. The possible findings of the investigation are:

- Complaint upheld
- Complaint not upheld
- Complaint vexatious or malicious

It is recommended that should investigators find that bullying and/or harassment did not take place, but other inappropriate behaviour had occurred, they be given the scope to specify this in their report.

Investigators should:

- Have an in-depth knowledge of all aspects of bullying and harassment
- Be familiar with the Institute's policies and procedures
- Have experience in handling complaints and conflict
- Be impartial, objective and credible
- Have the appropriate skills to conduct investigations effectively, i.e. investigators should be able to:
 - Consistently apply the principles of natural justice
 - Use organizational skills to plan the investigation and expedite the process
 - Document all aspects of the investigation comprehensively and appropriately
 - Conduct investigative interviews, using the following skills:
 - Engaging
 - Active listening
 - Reflecting and clarifying
 - Questioning
 - Challenging
- Analyse the information thoroughly and comprehensively
- Make a finding and write an investigative report

**Appendix 6 Flowchart of
Procedures**

*Procedures for dealing _____ with concerns &
complaints of
Bullying, Harassment & Sexual Harassment*

If an individual has a concern or
complaint
about bullying, harassment or
sexual harassment
THEY MAY :

