

Trinity College Dublin



DIGNITY & RESPECT POLICY

RESPECTING DIGNITY & DIVERSITY
=
NOT ACCEPTING BULLYING OR HARASSMENT



Trinity College Dublin

Dignity and Respect Policy

www.tcd.ie/about/policies/respect.php



TABLE OF CONTENTS

Section 1 What is this Policy about and Who Owns It ?

Purpose and Statement of Intent	Page 4
Legislation and policies	Page 5
Where does this policy apply?	Page 5
To Whom does it apply?	Page 6
Roles and responsibilities	Page 6
Who can I talk to in confidence?	Page 9
Effects of bullying and harassment	Page 10
Stress management	Page 10
What is your dignity and respect challenge?	Page 11

Section 2 Tackling Communication Breakdowns Or Interpersonal Disputes

Page 12

Section 3 Definitions

Discrimination and harassment	Page 16
Definition & examples of bullying	Page 16
Definition & examples of sexual harassment	Page 17
Definition & examples of racial harassment	Page 17
Other forms of harassment	Page 18
Harassment by outsiders to outsiders	Page 18

Section 4 What do we do next and what are the procedures ?

Resolving an incident of bullying & harassment	Page 21
Informal process of resolution	Page 21
Workplace mediation	Page 22
Training and counselling	Page 23
Formal process of resolution	Page 23
Investigation	Page 24
Withdrawal of claims	Page 26
False / malicious allegations	Page 26
Counter allegations	Page 26

Section 5: Information for Managers, Alleged Harassers and Complainants on Cases of Bullying and Harassment

Complainants – Information on dealing with bullying and harassment.	Page 28
Information for witnesses	Page 30
Information for alleged harassers	Page 32
Information for managers on the process	Page 35
Mediation information leaflet	Page 38

Section 6: Communications and Review

Training / staff development / communication	Page 40
Policy review	Page 40

Section 7: Sources of Help

College Contact Persons	Page 42
Additional sources of help in College	Page 43

Section 1

**What is this Policy about
and Who owns it ?**



Purpose and Statement of Intent

This policy outlines the College's commitment to an environment where every member is treated with dignity and respect.

The College strives to create an environment that is supportive and conducive to work and study. The College has a diverse student, research and staff body with multiple roles, both professional and personal and this policy encompasses all groups in the College. The College promotes, and is committed to supporting, a collegiate environment for its staff, students and other community members, which is free from discrimination (on any of the 9 grounds included in equality legislation), bullying, sexual harassment and other forms of harassment.

This policy aims to set out the College's and staff/student member's commitment and duty to participate in creating a positive and tolerant environment. The policy also sets out a framework and the procedure for handling any issues that arise. This policy seeks to encompass the diverse nature of the staff and students on campus.

The concept of equality is central to the ethos of the College, where accordingly, equal respect to all members of its community is a central part of Trinity's academic mission to pursue scholarly excellence.

The College states clearly its expectation that all members of the community will work to develop and maintain a high degree of respect and civility in our community. This does not affect academic freedom, the values of free open enquiry and discussion of ideas, or humour.

The Dignity and Respect policy sets out to achieve the following:

- To raise awareness on the prevention of bullying and harassment
- To support good communications amongst colleagues, staff and students and to set standards of behaviour which are acceptable in the College community.
- To set out everyone's individual responsibility in both making themselves aware of the policy and their responsibility to resolve matters as quickly and as confidentially as possible
- To provide methods of resolution for staff and students in which they have a number of opportunities, both formal and informal, to resolve their individual situations.
- To promote an environment in which diversity is respected.

Legislation and Policies which protect Dignity and Respect

This policy is underpinned by equality legislation. In addition, the policy complies with the Health and Safety Authority's Code of Practice on the Prevention of Workplace Bullying; the Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work and the Labour Relations Commission's (LRC) Code of Practice Detailing Procedures for Addressing Bullying in the Work Place.

- Prevention of Bullying and Harassment – [*Policy has now been incorporated in this Dignity and Respect Policy*]
- Procedural Agreements with the Unions
- Disciplinary and Grievance Procedures
- The College Statutes
- Equal Opportunities Policy
- Recruitment Policies
- Code of Practice Applying to the Employment of People with Disabilities
- Access and Equality Policy
- Employment Equality Acts 1998 and 2004
- Equal Status Acts 2000 and 2004
- Disability Act 2005
- Health and Safety Act 2005

Breaches of the policy may constitute grounds for disciplinary action and, in cases involving serious offences, disciplinary action up to and including suspension or dismissal. Using this policy does not affect your statutory rights under the Employment Equality Acts 1998 and 2004. There is a statutory time limit for complaints made – 6 months from the date of the alleged incident or the latest incident, which can be extended up to 12 months where exceptional circumstances prevent the complainant making the complaint.

Where Does this Policy Apply?

This policy applies to the behaviour of students and staff of the College and others on College business or engaged in activities relating to the College or providing services to the College in all locations and situations, including:

- (i)** College campus, buildings/ centres in all locations
- (ii)** The campus of any other university or other place where staff or students are representing the College
- (iii)** At events such as social functions, conferences, sporting events, field trips or work assignments which are related to the College, to a person's work /study, or at which a person is representing College
- (iv)** In writing, on the telephone, by email or on the internet in any College related activity.

To Whom does this Apply ?

All members of the College community share the responsibility for ensuring an environment that protects the dignity and respect of its members. It is not the intention of these guidelines to prevent normal good-humoured banter between colleagues and classmates. However, care needs to be taken not to cross the line into unacceptable behaviour, which is offensive, abusive, intimidating, malicious or insulting. In any case, such behaviour should stop immediately when colleagues or classmates indicate it is unacceptable.

Individual members of College also have a responsibility to help to ensure that unacceptable behaviour does not continue unchecked or unreported. Individual responsibility includes awareness of one's own behaviour and its potential effects on others. Those who are concerned about incidents of bullying, sexual harassment, racial harassment or other forms of harassment, e.g. as colleagues, friends, witnesses, or as people against whom an allegation has been made, should feel free to seek confidential help and advice from the sources of help listed at the back of policy.

✓ ***Set the tone for a positive, flexible, responsive, productive and safe environment where open and frank discussion of ideas can take place. Lead by example.***

Roles and Responsibilities

The roles of other groups and areas are set out below.

The Staff Office

- To oversee the implementation of the College policy in relation to staff in a fair and transparent manner.
- To raise awareness and develop best practice and policy
- To co-ordinate the Panel of Contact Persons.
- To provide advice and training to Heads of Schools/Areas, managers and supervisors on handling bullying and harassment matters.
- To provide advice to staff (complainants, alleged harassers, witnesses) on the policy and procedures.
- To provide referrals to the Contact Persons.
- To provide referrals to services e.g., the EAP, Occupational health
- To provide management support to investigators and disciplinary/appeals panels in the process.
- To provide workplace mediation for cases as required.

:: Contact in the Staff Office – Personnel Officer, lpower@tcd.ie

Contact Persons

The Panel of Contact Persons are appointed by the Board to help to resolve cases. They offer a confidential service. It is part of the informal structure of the policy. They will:

- Listen to your story.
- Provide personal support and help you to solve the problem. This applies to complainants, alleged harassers, and witnesses. A Contact Person will not see two sides of a case.
- Advise and give information on other sources of help e.g. Employee Assistance / Student Counselling / Health.
- Provide information on the College's complaint procedures.
- Assist you with handling the matter yourself directly.
- May intervene formally on your behalf with the alleged harasser if you feel you cannot do so after discussing the matter fully with the Contact Person.
- They will only act with your agreement.
- Provide personal support to staff during a formal procedure.

:: Contact on the Panel – see contacts list at back

Deans, Heads, Holders of Offices, Tutors, Line Managers, supervisors and group leaders

This group have a particular responsibility to implement this policy and to make every effort to ensure it is upheld, particularly in work areas for which they are responsible. They have an obligation to deal promptly and effectively with any incidents of bullying or harassment of which they are aware. This includes:

- Explaining Policy to all staff and ensuring understanding.
- Promote ongoing awareness.
- Communications to non-employees of the College, e.g. posters
- Be vigilant and intervene before a problem escalates.
- Respond sensitively and promptly to any member of staff who make a complaint, and ensure they are not victimised for making a complaint. Seek advice from the Staff Office or Contact Persons.
- Ensure all parties are treated with dignity and respect.
- Investigate complaints.
- Provide referrals to all parties - complainants, alleged harassers and witnesses to Contact Persons / Staff Office.
- Monitor and follow up the situation to ensure that behaviour does not recur.

Trade unions, associations and student unions

Trade and Student Unions and Associations play an important role in providing information, advice and support to staff and students who feel that they are being bullied or harassed or against whom complaints have been made. The Policy requires representatives to co-operate with efforts by Supervisors/Managers/Deans to resolve complaints through the policy.

Representatives support staff /student members if the complaint is referred for formal investigation and are required to co-operate fully with attempts to conduct the investigation fairly and without undue delay.

:: Contact your local representative for information

Employee Assistance Programme

To provide personal support and counselling to staff who attend the service about breakdowns in communications, bullying and harassment. To encourage staff to handle the matters through the procedures, and to refer them to the Contact Persons for further advice on the policy.

***:: Contact 1800 409 476, www.ppconline.info,
Username - Trinity, password - College***

The Equality Committee

The Equality Committee is responsible for monitoring the implementation and effectiveness of this policy, and will review it annually.

:: Contact The Equality Officer, equality@tcd.ie

The Equality Officer's role

- To provide information to staff and students regarding their entitlements under the relevant equality legislation.
- To provide information on the College Dignity and Respect policy and procedures.
- To direct staff and students to the appropriate sources of help, resources and procedures.
- To communicate and promote the policy amongst staff and students.
- To raise awareness on the prevention of bullying and harassment, and dignity and respect amongst staff and students.

Who can I talk to ? and what about confidentiality ?



Should I talk to my colleagues and do I have a right to seek support and from where ? Yes, you have the right to seek support. This, in the first instance, is via the Contact Persons, their numbers are at the back of this document, and their role is outlined in an earlier section of this policy.

The principles of natural justice should be borne in mind when talking to others about your issues. All alleged harassers have the same rights as complainants, they have a :

- Right to know full allegations and who is making them
- Right of reply (defend themselves)
- Right to representation
- Right to impartial and objective consideration of evidence
- Right to appeal

It is natural to want to speak to colleagues and friends and in order to respect everyone's rights, confidantes should be carefully chosen and limited to one or two colleagues at most.

Talking to people in your area / department can have a serious impact on your work and the work and morale of others and is not recommended. Stories can quickly spread and can be the cause of rumours and speculation. You can seek help from any of the sources of help listed in this policy.

Complaints and discussions about such allegations are considered confidential material by the College, and any breaches of confidentiality may be investigated and dealt with through the disciplinary procedures.

It is better to talk to the Contact Persons at a very early stage, as they will be able to talk you through strategies and preventative actions which can, in many cases, assist and resolve the situation before it escalates.

:: Maintain Confidentiality !

The Effects of Bullying and Harassment

Bullying and Harassment can affect many aspects of College life and an individuals wellbeing, for example, there can be :

- Damage to morale
- Poor performance in work or study
- Culture of fear
- Loss of respect
- Increased absenteeism and ill health
- Poor services to staff and students
- Damage to the College's reputation

✓ Treat colleagues with dignity and courtesy. Respect individuality and diversity.

Stress

It is recognised that the decision to bring a case forward can cause anxiety or stress for the individual. In addition, being an alleged harasser can be stressful. Either parties can talk about the situation to a Contact Person and this can help alleviate the stress. Different Contact People will be assigned to different parties.

It is important that you manage this stress. Some ways of seeking help and managing stress are:

- Talking to your GP or the College Health Service or the Occupational Health Service (set up via Staff Office)
- Talking to the EAP or Student Counselling
- Talk to your Tutor, Supervisor or the Staff Office
- Recognising the signs and symptoms and taking positive steps to combat stress– for advice on stress see :
http://www.tcd.ie/Staff_Office/relations/stress.php or
http://www.tcd.ie/Student_Counselling/self-help-leaflets-audio/index.php .
- All contact numbers are at the back of this document.

:: Prioritise your Health and Welfare

What is your dignity and respect challenge ?

- Do you have a work issue you need to resolve that you have been ignoring?
- Can you see something happening that does not fit with the ideals of dignity and respect ?
- Do you have something personal that you need to work on?
- Do you need to look at your communication style ?
- Are you respecting your colleagues right to privacy / individuality ?
- Could you improve your effectiveness as a team player ?

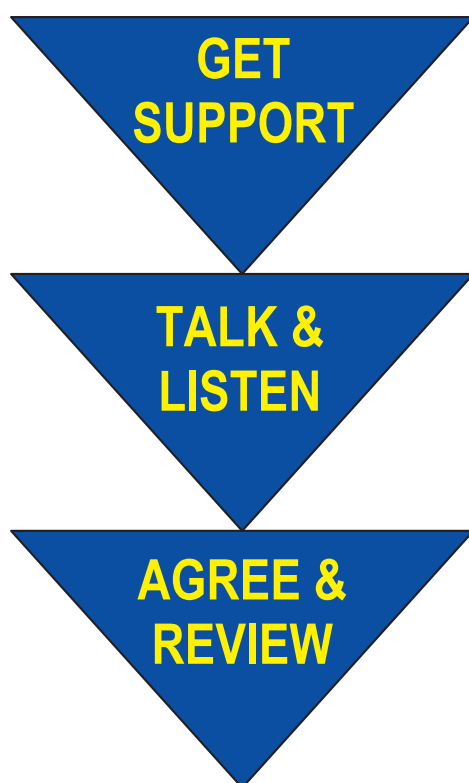
STAFF: Talk to our EAP – 1800 409 476 – face to face or telephone counselling – also web information available – www.ppconline.info

STUDENTS: See www.pleasetalk.ie, or http://www.tcd.ie/Student_Counselling/

- ✓ Respect management structures and roles and responsibilities
- ✓ Don't be afraid to speak out and ask questions – it is acceptable to disagree and have a point of view
- ✓ Maintain a sense of humour and recognise your own "off days"

Section 2

Tackling Communication Breakdowns Or Interpersonal Disputes



Tackling Communication Breakdowns Or Interpersonal Disputes

Your issue may result from a communication breakdown, an interpersonal dispute, or a lack of clarity around roles in teams. There are many ways to resolve these issues – here are some of the methods you can use. It is important that the situation be resolved as quickly as possible.

Informal

Handling matters yourself:

- If you are a staff member: Talk to the Employee Assistance Programme – 1800 409 476 – seek a telephone support counselling session. They also have a very helpful website – www.ppconline.info, username-trinity; password-college. They will talk you through the issues at hand, help relieve the stress, and will work with you on a strategy for handling the matter.
- If you are a student: Talk to Student Counselling or to Student 2 Student (www.pleasetalk.ie). There are a number of self help leaflets available on the Student Counselling website (http://www.tcd.ie/Student_Counselling/).
- If there is inappropriate behaviour make it clear that the behaviour is unwelcome.
- Take some time out to think through/write out the problems, and the potential solutions.
- Talk to the other party involved as openly and honestly as possible about the difficulties you are experiencing. Try to stick to facts and be non-judgemental. Talk about the impact that events have had on you. Use examples. Be open to the discussion being a two-way frank discussion. Meet the person in a private space, using the model below where possible.
- A good model for discussion meetings is:
 - Agree confidentiality and a length of time for the meeting e.g. generally about one hour.
 - Story telling - Both sides taking equal time to get their story across uninterrupted.
 - Summarise, and agree what the problem is / the issue you need to address.
 - Brain storm possible solutions / who else you need to consult.
 - Agree a way forward or the next step if a solution is not possible at this point.

Talking to others:

- Seek support. It is important that you limit this to one/two confidential people. You should not discuss the matters with others in the department unless absolutely necessary, and you are willing to address the matter. See section on 'Who can I talk to?'
- Talk to the Contact Persons.
- Talk to Staff Office / Tutor in confidence.

Interventions:

- Contact Persons intervention
- Ask for a conciliation / facilitated meeting by the head of area/school/members of staff relations team in Staff Office
- Offer to participate in Workplace Mediation – both parties must be willing – this can be by internal mediators or external mediators – as appropriate, further information available from the Staff Office

Formal Procedure

- Making a complaint through the line management structure
- Raise a grievance – information available from staff office

Review your situation

It is important to review your situation some time after resolution to check the balance to see if it working properly. Build this in to your resolution.

- ✓ ***Be patient / take some time away from the situation to reflect.***
- ✓ ***Discuss problems directly with the colleague concerned.***

Section 3

Definitions

Definitions

Discrimination and Harassment

Discrimination on any of the grounds listed (gender, religion, age, marital and family status, disability, sexual orientation, race or ethnicity, membership of the Traveller community); harassment, sexual harassment, bullying or intimidation will not be tolerated by College.

Definition of Bullying

Bullying is 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/study and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity and respect. An isolated incident of the behaviour described in this definition may be an affront to your dignity but, as a once off incident, is not considered to be bullying.

Bullying can take many forms, from open aggression, threats, and shouting to subtle comments or exclusion. It can be verbal, physical or psychological. It is destructive and may have serious consequences. The impact of the behaviour on the recipient will be taken into consideration when dealing with cases of bullying.

It should be noted that the issuing of reasonable work related instructions, student discipline or study related matters, or the exercise of lawful management rights or duties would not be construed as bullying. In addition, complaints that are related to assignment of duties, terms and conditions of employment are not suitable for this process, and may be referred under the College's normal grievance procedure.

Examples of Bullying:

- **Verbal:** personal insults, demeaning remarks, humiliation in front of others, nicknames, ridicule, persistent identification of one person 'as a joke', threats
- **Non-verbal or indirect:** exclusion, hostile attitude, spreading malicious rumours
- **Abuse of power:** excessive criticism, withholding essential information
- **Physical:** aggressive behaviour, physical intimidation, unwelcome physical contact up to and including assault

Definition of Sexual Harassment

Sexual harassment includes acts of physical intimacy, or requests for sexual favours or any act or conduct by a harasser, including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome to the recipient and could reasonably be regarded as sexually offensive, humiliating or intimidating to the recipient. The unwanted nature of sexual harassment distinguishes it from flirtatious or sexual behaviour, which is entered into freely and mutually. It is the damaging impact of the unwanted behaviour on the recipient, not the intention of the harasser, which counts. The impact of sexual harassment is taken into account when cases of sexual harassment are investigated.

Examples of Sexual Harassment:

- **Verbal:** unwelcome sexual advances, suggestive jokes and innuendo, requests for sexual favours, threats
- **Non-verbal or indirect:** sexually suggestive pictures or written material, leering or gestures; spreading rumours about a person's sexual behaviour or orientation
- **Electronic:** sexually suggestive messages or images transmitted by computer or other electronic means.
- **Physical:** unwelcome physical contact, up to and including assault

Definition of Racial Harassment

Racial harassment, which is harassment on the grounds of race, including national or ethnic origins, is defined as unwanted or unwelcome conduct, or incitement to such conduct, based on a person's race, which is offensive to the recipient and which might threaten a person's security or create a stressful, hostile or intimidating work or study environment.

Examples of Racial Harassment

- **Verbal:** offensive jokes or remarks about a person's race or ethnic origin (including membership of the travelling community), ridicule or assumptions based on racial stereotypes
- **Non-verbal or indirect:** exclusion, hostile or demeaning attitudes, spreading malicious rumours
- **Visual:** production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda
- **Physical:** physical assault, threats of physical assault

Other Forms of Harassment

Any act or conduct by a harasser is considered to be harassment if it is unwelcome to the recipient and could reasonably be seen as offensive, humiliating or intimidating to the recipient, in relation to one or more of the following characteristics of the recipient: gender; marital or family status; sexual orientation; religion; age; disability and membership of the traveller community. Such behaviour can take many forms, similar to those of sexual harassment, racial harassment or bullying. It should be noted that such behaviour may be destructive and is unacceptable.

Harassment by Outsiders and to Outsiders

Harassment by persons not directly connected to the College, such as clients, service providers etc is unacceptable and should be promptly reported. Although the College has no power to discipline the offender in such cases, upon receipt of a complaint and after investigation, it will take action in an effort to prevent recurrence of such conduct. All members of the College should give the same level of respect to visitors to the College, as they are a valuable part of our Community.

Are you being bullied or harassed ?

If you think you are the subject of bullying / harassment the following checklist may be helpful:

- Is the behaviour unwanted and unnecessary?
- Is it offensive or intimidating ?
- Does it make you feel vulnerable, stressed or isolated ?
- Is it negatively affecting your work or study ?

Section 4

What do we do next and what are the procedures ?

You have 3 options which are outlined below.
The full details of these options are described in the coming pages.

INFORMAL

Talk to the contact persons



Decide whether to handle yourself or to seek an intervention



Follow the procedure for the method you are using



Review the situation once it has been resolved



If the case is unresolved you can consider mediation or a formal complaint

FORMAL

Talk to the contact persons



Write up your case and present to your line manager / head of department/area



Seek support via the contact persons or the EAP



You will receive a letter from the investigator setting up the process



If the case is unresolved or you need further assistance you can use the mediation facility

MEDIATION

Talk to the contact persons or the Staff Office



If mediation is agreed as an option the Contact Persons can organise this via the Staff Office for you.



The mediator will phone you and your colleague to set up the mediation.



If no resolution is found both the informal and formal process can be used

Resolving Incidents of Bullying or Harassment

All complaints of harassment, sexual harassment and bullying will be treated seriously and with due regard to the sensitivities of the complainant and to the rights of the person against whom the complaint has been made. Complaints will be dealt with promptly and sympathetically. As far as possible, every effort will be made to handle complaints in confidence.

Experience in College suggests that it is preferable for a person who feels that she / he is being bullied or harassed to use one or all of the following steps – informal, workplace mediation or formal steps. A person may prefer to proceed directly to the mediation or formal process and their decision to bypass the informal process should not be held against them.

Informal Process

The objective of this approach is to resolve the difficulties with the minimum of conflict and stress for the individuals involved. There are three informal approaches:

- Handling matters yourself
- Talking to the Contact Persons or Others
- Seeking Intervention

Handling matters yourself:

- If you are a staff member: Talk to the Employee Assistance Programme – 1800 409 476 – seek a telephone support counselling session. They also have a very helpful website – www.ppconline.info, username-trinity; password-college. They will talk you through the issues at hand, help relieve the stress, and will work with you on a strategy for handling the matter.
- If you are a student: Talk to Student Counselling or to Student 2 Student (www.pleasetalk.ie). There are a number of self help leaflets available on the Student Counselling website (http://www.tcd.ie/Student_Counselling/).
- Keep a record of incidents as they occur: what happened, dates, times, places, witnesses (if any), your response and the impact on you.
- Make it clear to the harasser that the behaviour is unwelcome and unacceptable and ask them to stop. If this is not possible or you find it difficult to approach the harasser, then you should approach one of the Contact Persons for help.

Talking to others:

- Seek support. It is important that you limit this to one/two confidential people – see section on Who Can I talk to in Confidence – earlier in this policy. You should not discuss the matters with others in the department, unless absolutely necessary, and you are willing to address the matter.
- Talk to the Contact Persons. They are appointed by the Board to help to resolve such cases. They offer a confidential, informal service. They will :
 - Listen to your story
 - Provide personal support and help you to solve the problem
 - Advise and give information on other sources of help e.g. Employee Assistance / Student Counselling / Health
 - Provide information on the College's procedures
 - Assist you with handling the matter yourself directly
 - May intervene formally on your behalf with the alleged harasser if you feel you cannot do so after discussing the matter fully with the Contact Person
 - They will only act with your agreement
 - If you decide to make a formal complaint they will provide personal support during this procedure.
- Talk to your line manager / Staff Office / Tutor in confidence.

Interventions:

- Contact Persons may intervene on your behalf under the informal procedures if you feel you cannot do so.
- Offer to participate in workplace mediation – both parties must be willing – this can be by internal mediators or external mediators – as appropriate - see below.

Workplace mediation

The College support the use of workplace mediation as an alternative method of resolving complaints. Workplace mediation is an informal process, through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and both parties must be willing to take part and agree to the appointment of a Mediator (internal or external). If the parties agree to this approach, the College will appoint a neutral and impartial Mediator, with the agreement

of the parties, to facilitate the process. There is a further explanatory leaflet at the back of this policy.

Training and Counselling

The College will endeavour to provide training or counselling to all parties who feel they would benefit. Often those whose behaviour is causing problems may be unaware of or insensitive to the impact of their actions and training and/or counselling can help change behaviour and prevent future incidents.

Formal Process

For serious complaints or where the problem is not resolved through any of the informal methods, the formal complaints process may be used.

- If you wish to proceed to a formal complaint, the person to approach depends on the position of the alleged harasser and is generally up through the line management structure:
 - Academic Staff: Head of Department / Head of School or Faculty Dean or Senior Dean
 - Non-Academic Staff: Head of Department /School, Head of Administrative area, or, in exceptional circumstances, the Staff Office
 - Student: Head of Department or Faculty Dean or Junior Dean
- A formal complaint involves providing a written statement, confined to the precise details of the allegations.
- All formal complaints will be investigated.
- The alleged harasser should be notified in writing that an allegation of bullying, sexual harassment or other form of harassment has been made against them. They should be advised that they shall be afforded a fair opportunity to respond to the allegations.

Investigation

Below is a brief outline of the process – greater details are given below.

Step 1 – Complainant writes up complaint and forwards to relevant person.

Step 2 - Investigator sets up investigation of case e.g. this includes copying complaint to alleged harasser, receiving responses, and could include investigation meetings.

Step 3 - Investigator considers the information and issues a finding.

Step 4 – Where appropriate there may be a referral to the disciplinary process.

Generally the investigation will be conducted through the structure of the school in question. Occasionally it may be appropriate for a person from another department or nominated third party to conduct the investigation. Normally a team of two people will be appointed. In cases alleging sexual harassment, the College will ensure that at least one of the investigators will be of the same gender as the complainant. Where there are two investigators appointed, both should be involved in all stages in the interviewing of witnesses and parties to the complaint.

The investigation will look objectively at all evidence pertinent to the complaint. The Investigator(s) should meet with the complainant and the alleged harasser and any witness on an individual basis with a view to establishing the facts.

Details of the complaint will be made available to the parties in advance of an investigation meeting.

Investigation meetings will be held in confidence and with sensitivity, and all staff will be treated with dignity and respect. Confidentiality is required of all parties involved in the investigation.

A written record of all meetings shall be kept.

Those attending investigation meeting will be told in advance of the meeting of

- The purpose of the meeting
- The complaint being investigated
- The time and venue
- Their right to representation
- That the investigation may lead to disciplinary action.

Both parties have the right to be accompanied by an authorised Trade or Union/Staff representative/Student representative, or work colleague.

All material relevant to the complaint will be made available to the alleged harasser during the course of the investigation.

The alleged harasser will get the full details of matters under investigation and the opportunity to respond to them fully.

Further investigation meetings may be scheduled if required as issues arise. Every effort will be made to complete the investigation as quickly as possible, and within an agreed timeframe if possible.

Staff are obliged to co-operate with investigations held under this procedure.

The outcome of the investigation will be in the form of a written report which will be presented to the complainant and alleged harasser.

Both parties should be given an opportunity to comment on the findings before any action is decided upon by management.

If it is found that the complaint is well founded, Management may recommend counselling, monitoring or the convening of a disciplinary hearing. This outcome should be conveyed personally, as well as in writing, to the individual involved.

If a disciplinary hearing is recommended this will be conducted in line with the statutes and/or agreements pertinent to the person involved.

If it is found that the complaint is not upheld, the complainant can be assured that *bona fide* complaints will not be viewed as malicious. Complaints which are found to be malicious will be treated as serious misconduct under the disciplinary procedure. This provision should not deter employees from reporting genuine complaints.

If either party is unhappy with the conduct of the investigation or the outcome, they may refer the matter through the appropriate College

Procedures or the normal Industrial Relations machinery. Referrals should be made in writing within seven days setting out the grounds on which they are not satisfied with the outcome or conduct of the investigation.

Withdrawal of claims

From time to time people make a complaint and then do not wish to proceed. The College has a duty of care to take all complaints seriously, this will include discussing the appropriate procedures and referral through the process. Any claim which is not going to proceed must be withdrawn.

Withdrawal of claims will be taken seriously. The withdrawal will be made in writing to the line manager or the person to whom you made the complaint.

The College reserve the right to investigate a claim that has been withdrawn and/or the reason for which is being withdrawn.

False /Malicious Allegations

Raising a false or malicious allegation is a serious breach of this policy. Complaints which are found to be malicious will be treated as serious misconduct under the disciplinary procedure. This provision should not deter employees from reporting genuine complaints.

Counter Allegations

Any counter allegation will be treated as a separate complaint. Generally, if part of a formal investigation, the counter allegation will be expected to be written. The Procedures above apply to the complaint in every regard, and the case shall be investigated within the procedure.

Section 5

Information for Complainants, Witnesses, Managers and Alleged Harassers on Cases of Bullying and Harassment

Complainants – Information on Handling Bullying and Harassment

If you think you are the subject of bullying / harassment the following checklist may be helpful. In addition, there is further information in this section on the difference between resolution methods offered.

Are you being bullied ?

- Is the behaviour unwanted and unnecessary?
- Is it offensive or intimidating ?
- Does it make you feel vulnerable, stressed or isolated ?
- Is it negatively affecting your work or study ?

Bullying and Harassment can involve an individual or group of individuals. You may wish to discuss the situation with a Contact Person or one of the other sources of help named in this policy. It may be difficult to talk about the unwanted behaviour or to complain. For example, you may feel embarrassed or worry about:

- Not being believed
- Having witnesses
- Making too much of a 'trivial' incident
- Making the situation worse
- Repercussions on your job or studies
- Impact on others

It is important to overcome these fears and to seek help to resolve the situation before it escalates.

Bullying and Harassment can affect anyone but can sometimes occur where the alleged harasser is in a relative position of power or authority over the complainant for example, because of age or seniority or size.

Protection from Victimisation

The College will, at every opportunity, seek to protect all of the parties involved from victimisation and from any negative impact on their day to day work. The alleged harasser will be asked to refrain from contacting you. However, it is accepted that professional interaction in relation to normal working matters may be essential during the process. It is expected that all parties will act in a courteous and respectful manner.

Informal vs Formal vs Mediation

Some points to take into consideration when making a complaint are outlined below. The decision whether to make a formal or informal complaint is made by the complainant.

You may wish to take in to consideration:

- the level of the impact on you
- whether it is sexual harassment
- if it is ongoing in nature
- if it is escalating in severity
- for serious complaints or where the problem is not resolved through any of the informal methods, the formal complaints process may be used.

In addition, outlined below are some of the differences between the processes:

- **Informal** – This is essentially a ‘conciliation’, where both parties are given the opportunity to explain the situation (impact and intent) either in person or via a Contact Person. Very confidential process and no records are kept on file.
- **Formal** – The complaint must be submitted in writing to the Head of Area/line manager. An investigator is appointed to hear the complaint, and witnesses may be called. If the complaint is found to be upheld, full written records are kept on file and the Staff Office is notified. Further details are outlined in the policy.
- **Workplace Mediation** – this is a separate, alternative method of resolution where both parties agree to the process of mediation. No written notes are kept on either parties files. A Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and strictly confidential. There is a mediation information leaflet outlined at the back of this book. In many cases an external mediator is used.

- ✓ Contribute to a friendly workplace, and be sensitive to colleagues wellbeing.
- ✓ Enjoy the sense of collegiality in our diverse community, participating in events and societies.

Information for Witnesses

The approach

You will be approached either in person, or in writing, by the investigator and asked to attend a meeting at a specific date/time. It will usually state that you have been named by Mr/Mrs XXX as a witness in a complaint. You should co-operate with this request, and, if unsure about what to do next, you can contact the panel of Contact Persons listed at the back of this policy.

Information about a complaint

The witness will be given very little information with regard to the content of the complaint. The only information you will receive is around that event you may have witnessed. You may be asked to clarify the content of an interaction. You will not be given any information on the outcome of the situation. While this can be seen as frustrating, this is to protect the confidentiality of the parties involved.

Confidentiality

You will be expected to maintain strict confidentiality about becoming a witness, and the content of the meeting. You should not discuss this with any of your colleagues/classmates or the complainant/alleged harasser. If you wish to discuss with anyone you can talk to the Contact Persons / Staff Office or your tutor as appropriate.

What evidence should I give?

Be truthful during the process. Only give evidence which you have directly witnessed, not that you have heard or been told by other colleagues/classmates. If you cannot recall precisely the events state this clearly.

Right to Representation

While not every witness chooses to have a representative present at proceedings, everyone in the process does have a right to a representative.

Do I get copies of my statements

If you wish you can get copies of the notes taken during your meeting with the Investigator.

Protection from Victimisation

Staff who have agreed to go forward as a witness or have given evidence in proceedings are protected under this policy from victimisation. Every effort will be made to ensure you will not be negatively affected by agreeing to participate in the process.

Support

Some staff/students find it stressful to be a part of this process. If you wish to seek support you can contact any one of the following:

- If you are a staff member: Talk to the Employee Assistance Programme – 1800 409 476 – seek a telephone support counselling session. They also have a very helpful website – www.ppconline.info, username-trinity; password-college. They will talk you through the issues at hand, help relieve the stress, and will work with you on a strategy for handling the matter.
- If you are a student: Talk to Student Counselling or to Student 2 Student (www.pleasetalk.ie). There are a number of self help leaflets available on the Student Counselling website (http://www.tcd.ie/Student_Counselling/).
- In addition, there are a number of other supports available at the back of this policy.

Will this information be kept on my file?

No information will be kept on your file regarding your participation in the case unless you are directly involved e.g. as complainant or as alleged harasser.

Information for Alleged Harassers

It is recognised that being accused of bullying and/or harassment can be a very difficult experience. This policy contains information which should assist you in understanding your rights, responsibilities and entitlements should this situation arise.

How will I know if there is a complaint ?

Generally a person will have spent a considerable amount of time deciding on whether to make a complaint and if it should be formal or informal. Based on this decision you may have been contacted in a number of ways. For example, if a person has chosen the informal path, you may have been contacted by the person themselves or by a contact person. The contact person will explain their role and the problem that has arisen. The individual may seek a private meeting with you to discuss the problem informally rather than making a formal complaint.

If a contact person has contacted you this generally means that the complainant may not have felt comfortable contacting you directly themselves. If you do not recall the incident or feel that it was not the intention to cause offence you should discuss this with the Contact Person. It is likely that they will discuss with you the impact that the incident has had on the complainant (the effects of bullying are outlined earlier in this policy). This gives you an opportunity to reflect on the incident/s and discuss them with the Contact Person and agree a course of action.

If you are contacted by the Head of Department/School/Dean or a member of the Staff Office, it is most likely that a formal complaint has been made. If this is the case you will receive a copy of the complaint in writing (please see investigation and formal procedure sections outlined in this document).

Confidentiality

Confidentiality is critical in this situation to protect all parties. Please refer to 'Who Can I talk to?', earlier in this policy.

Seeking Advice

This is an important part of the process. In the first instance you can contact any one of the Contact Persons. The Contact Person will not see both sides of a complaint and you may be referred on to a different Contact Person if this is the case.

The Contact Persons role is to offer advice and support, not to represent either party(see their role outlined earlier in this policy).

Representation

During any investigation process you will be entitled to representation. This normally extends to a union/association representative or to a work colleague. For further information on unions or associations see - http://www.tcd.ie/Staff_Office/policies/repbodies.pdf.

Support

Support is available from the Contact Persons, the Student Counselling Service and from the Employee Assistance Programme. The EAP can give you personal support via telephone counselling/support sessions or face to face sessions. This is highly recommended in this situation. If the situation affects your family members they can also seek confidential support and free counselling services via the helpline – 1800 409 476. There are a number of self help leaflets on the EAP website – www.ppconline.info, username *trinity*, password *college*.

Dos and Don't

- Do Seek Support.
- Do watch your stress levels and seek help via the EAP(or student counselling for students), the College Health Service or occupational health service (via staff office for staff).
- Do consider the options given to you e.g. mediation, or the informal approach (see information leaflet at the back of this policy)
- Don't approach the complainant, unless in relation to professional matters.
- Don't enter into discussions with others – maintain confidentiality.

Protection from Victimisation

The College will, at every opportunity, seek to protect all of the parties involved from victimisation and from any negative impact on their day to day work. It is accepted that professional interaction in relation to normal working matters are essential during the process. It is expected that all parties will act in a courteous and respectful manner.

Investigation stage

An investigator will be appointed to hear the complaint. You will be given the chance to fully respond. You will be asked to respond in writing and meetings may be held in order to clarify the situation verbally. Please see the section on **Investigation** for further information.

What information will be held on my file and who will know

No informal complaints or records of mediation will be held on file. If a formal complaint is made and the complaint is upheld, copies of the complaints, notes of meetings, outcomes etc will be held on your file and can be accessed by yourself, your manager (if appropriate) and the staff relations team. If the complaint is not upheld all notes of meetings, complaints etc will not be held on your file.

Will there automatically be disciplinary action ?

No, cases are not prejudged, a full investigation will be held and only where appropriate the disciplinary procedures will be initiated. The disciplinary hearing will be, in the main, held by someone other than the investigator. This process is outlined in the Disciplinary Procedures guidelines available from the Staff Relations Team, Staff Office.

- ✓ Examine your own behaviour, ensure that it is professional and that you have a respectful management style.
- ✓ Ensure you are a supportive colleague and good team player.

Information for Deans, Heads, Holders of Offices, Tutors, Line Managers, supervisors, group leaders, Investigators

Managers are named as one of the official people that staff can contact in relation to bullying and harassment. Your full role is outlined earlier in this policy – includes responsibilities for ensuring staff are aware of policy and working towards a positive atmosphere.

Initial Approaches

If a staff member should approach you, here are some points for consideration:

- Treat the staff member sympathetically without taking sides.
- Remind the staff member that confidentiality is paramount in this matter.
- It is better at this initial approach that the staff member does not name the alleged harasser and this should be explained to them. In addition, there is no need to know the details of the case at this stage, just a very brief outline, as your role at an initial approach is to provide information on the policy and procedure.
- You could discuss the difference between dealing with the issue informally or formally or through mediation. (there is an information leaflet available at the back of this document)
- You should keep a file note to say the person met with you in regard to bullying and harassment, (none of the details) and that you gave them the policy, and a referral, this should be dated.
- Give the web reference for the policy or a copy of the policy.
- Explain the role of the Contact Persons and refer on if required, do a welfare check on the person, do they need a referral to the EAP, occupational health, student counselling.
- If a person wishes to make an informal complaint they do this through the Contact Persons.
- If the person wishes to do mediation – see the information leaflet at the back of this policy.
- If the person wishes to make a formal complaint to you, this must be done in writing (they should still see the contact persons for advice in the first instance).
- If a complaint is in writing it is your role to investigate the complaint. Seek immediate advice from Staff Office – see over.

Confidentiality

It is very important that no information is passed to third parties in relation to the complaint. You can talk to the Staff Office – see below.

Investigation

You will be supported during the investigation by your HR advisor / staff relations team. This will include information on what type of notes to take, correspondence to be sent etc.

Contacts

You can seek advice on the procedures from the Staff Office. In the first instance you can talk to your HR Faculty Advisor :

- Faculty of Health Sciences - Donal O'Moore, ext 4128, moored2@tcd.ie
- Faculty of Arts Humanities, and Social Sciences - Ann Marie Farrell, annmarie.farrell@tcd.ie, ext. 3517 or cathy.gibson@tcd.ie
- Faculty of Engineering Mathematics & Science, Cara Ryan, ext 3967, ryanc9@tcd.ie

For Administrative/ service/ support areas you can contact the Staff Relations team.

- Mary Leahy, Staff Relations Officer, ext 8512, leahyme@tcd.ie
- Karen Dunne, Staff Relations Officer, ext 1094, kdunne@tcd.ie
- Louise Power, Personnel Officer, ext 1825, lpower@tcd.ie
- Cora Mullins, Executive Officer, ext 1882, mullinco@tcd.ie
- Ken O'Doherty, Staff Relations Manager, ext 3328, kodoher@tcd.ie

Support for Investigator

Being an investigator, particularly in difficult cases, can be stressful, and can cause an additional workload for you. You should take care to proactively manage this situation and seek advice and support where necessary. Support includes the Employee Assistance Programme (1800 409 476, www.ppconline.info, username *trinity*, password *college* – *there is an additional manager handbook which the Staff Office - lpower@tcd.ie can provide access to*). This will include personal support for you, particularly if some of the information you are receiving is distressing or causes discomfort. In addition, there is a management consultation service, where managers can seek advice on how to handle situations and 'role play' over the phone meetings/ conversations with a professional counsellor.

- ✓ Encourage people to use the free support systems available
- ✓ Check in with new colleagues that they are coping well
- ✓ Aim to make communications and teaching methods accessible and inclusive
- ✓ Encourage staff and students to enjoy the sense of collegiality in our diverse community by participating in events and societies.

Mediation Information Leaflet

The College support the use of mediation as an alternative method of resolving complaints. Mediation is an informal process, through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and both parties must be willing to take part and agree to the appointment of a Mediator (internal or external). If the parties agree to this approach, the College will appoint a neutral and impartial Mediator, who will be agreeable to both the parties, to facilitate the process. The person appointed will be an experienced trained Mediator.

Role of Mediator

The mediator has several functions:

- To set up, and have signed, the terms of reference with the parties.
- To set up the meetings, venue.
- To provide an environment where it is easy for staff to discuss the issues at hand in an open manner.
- To facilitate the discussions.
- To facilitate the parties agreeing the issues for discussion and finding solutions.
- To mediate with the parties in the finding of a resolution.
- To maintain confidentiality.
- The mediator will not hand down a solution and will not make decisions for the participant.
- The mediator is independent and neutral and will not 'take sides'.
- The mediator is in charge of the process but not the outcome.

Role of other parties

- To volunteer for mediation, and to sign the contract / terms of reference.
- Participants will fully engage in the process in order to fully understand the issue(s) and to genuinely attempt to find a resolution which can be acceptable to all.
- To be as open and as honest as possible during the mediation sessions.
- To provide information where necessary to move the process forward.
- To work with the mediator.
- To maintain confidentiality.

How does the process work

The steps involved:

- Incident/Issue arises
- Staff member contacts a colleague, staff office/ contact persons and Mediation is suggested / recommended.
- Staff member contacts Louise Power in the Staff Office. Lpower@tcd.ie, ext 1825
- Appropriate mediator is discussed.
- Decision about who will notify the other party.
- Mediation is set up in consultation with other staff member(s).

Where are the meetings held

The meetings need to be held in a quiet private space. Examples would include the Staff Development Room, the offices of the Labour Relations Commissions. They could also be held in external venues as appropriate.

Time Frame

From the time both parties volunteer to do mediation the setup for the first meeting should be completed as quickly as possible. This depends on diary management but it is anticipated that within two weeks would be a reasonable time frame. Mediation sessions can last between 1.5 hours to 3 hours, and there could be up to 3 sessions, depending on the complexity of the issues.

Where it is an issue the mediator will discuss with the necessary parties e.g. staff office, how absence from duty during mediation can be arranged without breaking confidentiality.

Confidentiality

Matters discussed in the process are confidential and 'without prejudice' and the participants agree not to compel the mediator to divulge any matters discussed at mediation at any other forum including legal claims. Participants must maintain confidentiality on matters discussed during mediation. Any written outcomes or notes will be agreed by all the parties.

No information will be held on a personnel record about a mediation unless with the agreement of the parties involved.

Feedback

There is no feedback to the College other than a mediated solution has / has not been found. From time to time parties might feel it is essential to give or provide feedback to another person / their Head of Area / Staff Office about specific matters arising during a mediation. This should be discussed and agreed in the mediation process.

Outcome – what if there no resolution found

If there is no resolution found it is up to the parties to decide where they want to go next. They can agree to leave the matter aside, to raise as a grievance, or through other College policies. This would be through the line management structure of their department.

Cost

There is no cost to the staff members involved in the mediation.

Communications and Review

Training and Staff Development and Communications

A training and awareness programme will be developed and delivered in College. This will include literature, and a policy on the website.

An ongoing awareness campaign will be run on a regular basis.

Policy Review

The policy will be subject to continuous assessment and evaluation, and will be reviewed formally at least every 3 years.

Section 6

Sources of Help

Sources of Help

The College's Contact Persons are:

Orla McCarthy, School of English, Orla.mccarthy@tcd.ie, ext 2924

John Munnely, Buildings Office, munnellj@tcd.ie,

Phone 2487 / 087 2653374

Ruth Torode, School of Social Work and Social Policy, rtorode@tcd.ie,
ext 1025

Diane Sadler, School of English, Diane.sadler@tcd.ie, ext 1111

Mabel Denniston, School of Natural Sciences, mabel.denniston@tcd.ie,
Ext 1576

Caroline Forsyth, Research and Innovation Services

forsytc@tcd.ie, Ext 3894

Brian Foley, Electronic & Electrical Engineering, brian.foley@tcd.ie,

Ext 1744

Elizabeth Curtis, School of Nursing, curtise@tcd.ie, Ext 3533

Inmaculada Arnedillo-Sanchez, Computer Science,

Macu-arnedillo@cs.tcd.ie, Ext 3661

Other sources of help in College

For Staff:

Heads of Departments /Schools
Line Managers
Staff Office (Ext. 1678)
Staff Representatives
Occupational Health Service (via staff office.ext 1882)
College Chaplains (Ext 1901/1260/1402/1417)
College Health Service (Ext. 1556)
Equality Officer – equality@tcd.ie, <http://www.tcd.ie/equality/>,
Employee Assistance Programme(PPC), Telephone
1800409476, Website-www.ppconline.info

Website Address:

<http://www.tcd.ie/about/policies/respect.php>

For Students:

Students' Union Welfare Officer, welfare@tcdsu.org, Ph
6468437
President of the Graduate Students' Union,
president@gsu.tcd.ie (Ph: 8961169)
College Tutors. (Senior Tutors Office Ph: 8962551) – to find
your tutor log on to your portal and this will give you the email
to your tutor.
Student Counselling Service (Ph: 8961407)
Equality Officer – equality@tcd.ie, <http://www.tcd.ie/equality/>,
College Chaplains, (Ph: 896 1901/1260/1402/1417)
College Health Service (Ph: 896 1556)

Website Address:

<http://www.tcd.ie/about/policies/respect.php>

Please Talk – www.pleasetalk.ie – and click on the TCD link,
this includes information on Student to Student - S2S
(formerly peer support).

