

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

This information is also contained in the [Dignity and Respect Brochure](#)

The following areas are covered:

- **Complainants – Information on Handling Bullying and Harassment**
- **Information for Alleged Harassers**
- **Information for Witnesses**
- **Information for Deans, Heads, Holders of Offices, Tutors, Line Managers, supervisors, group leaders, Investigators**

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.

Responsibilities of the Complainant

- To seek to resolve the complaint at the earliest opportunity and at the lowest level
- To make the complaint in good faith
- To co-operate with the procedures and make themselves available in a timely manner to facilitate resolution of the case
- To seek support and representation as appropriate
- To be factual in any written / verbal evidence
- To afford Dignity and Respect to others, and to maintain confidentiality

Role of every individual

- To be aware of behaviours
- To not let situations persist
- To provide support
- To challenge own behaviour
- To not participate in gossip/rumour

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| <ul style="list-style-type: none">✓ 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. |
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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 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.

Role of every individual

- To be aware of behaviours
- To not let situations persist
- To provide support
- To challenge own behaviour
- To not participate in gossip/rumour

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. Student Counselling and from the Employee Assistance Programme for staff. 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.

Role of every individual

- To be aware of behaviours
- To not let situations persist
- To provide support
- To challenge own behaviour
- To not participate in gossip/rumour

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| <ul style="list-style-type: none">✓ 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. |
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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 - Cathy.gibson@tcd.ie, or Ann Marie Farrell, annmarie.farrell@tcd.ie, ext. 3517
- 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 investigators

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.