



Coláiste na Tríonóide, Baile Átha Cliath  
Trinity College Dublin

Ollscoil Átha Cliath | The University of Dublin

# Dignity and Respect Policy

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## TABLE OF CONTENTS

<b>Section 1</b>	<b>Introduction</b>	
	Executive Summary	Page 3
	Summary of options for resolving complaints	Page 3
	Sources of help	Page 4
<b>Section 2</b>	<b>Scope and Roles</b>	
	Legislation	Page 5
	Scope of the policy	Page 5
	Roles and responsibilities	Page 6
<b>Section 3</b>	<b>Definitions</b>	
	Discrimination and Harassment	Page 11
	Bullying	Page 11
	Sexual Harassment	Page 12
	Racial Harassment	Page 13
<b>Section 4</b>	<b>Procedures for Resolving Dignity and Respect Matters</b>	
	Informal resolution process	Page 15
	When academic progress is affected	Page 16
	Workplace mediation	Page 18
	Formal resolution process	Page 19
<b>Section 5</b>	<b>Information for Complainants, Witnesses, Respondents</b>	
	<b>Investigators and Heads/Managers/Tutors</b>	
	Information for Complainants	Page 22
	Information for Witnesses	Page 23
	Information for Respondents	Page 25
	Information for Investigators	Page 27
	Information for Deans/Heads/Managers/Tutors	Page 27
<b>Appendices</b>	Sources of Help	Page 30
	Mediation	Page 32

## **1.0 Introduction**

### **Executive Summary**

The University 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 nine equality grounds (gender, religion, age, civil status, family status, disability, sexual orientation, race or ethnicity, membership of the Traveller community), bullying, sexual harassment and other forms of harassment.

All members of the University are expected to work to develop and maintain a high degree of respect and civility in our diverse community and to participate in creating a positive environment. This does not affect academic freedom, the values of free open enquiry and discussion of ideas, or humour.

This policy sets out a framework for the resolution of any dignity and respect matters that may arise from time to time and details the sources of help available to staff and students. The University promotes and encourages the resolution of dignity and respect complaints through informal means in so far as possible.

### **Summary of Options for Resolving Complaints**

#### **Informal Process**

- Consult with your Tutor/Manager/Head and/or a Contact Person
- Inform the person directly that their behaviour is unwelcome. This often resolves the situation as the person may be unaware that their behaviour is causing distress.
- Alternatively, ask your Tutor/Manager/Head or a Contact Person to alert the person to your concerns.
- If the matter remains unresolved, you can ask your Tutor/Manager/ Head or a Contact Person to facilitate an informal resolution.
- Consider Mediation.

## **Mediation**

- Consult with your Tutor/Manager/Head and/or a Contact Person
- Confirm with your Tutor/Manager/Head and/or a Contact Person that you are amenable to participation in mediation, who will then liaise with Human Resources to organise this.
- The mediator will contact you and the other party to set up the process. If the matter remains unresolved following mediation, you may seek a formal investigation.

## **Formal Process**

- Consult with your Tutor/Manager/Head and/or a Contact Person
- Write to your Tutor/Manager/Head setting out the details of your complaint, including the dates and times of incidences and the names of any witnesses to each incidence. This account will be forwarded to the alleged perpetrator for formal written response, a copy of which you will also receive. Further exchange of correspondence may ensue.
- If the matter is not resolved following the exchange of formal correspondence an investigator will be appointed. Parties will receive a letter setting out the terms of reference and process for the investigation.
- The outcome of the investigation process will be communicated to the parties involved.

## **Sources of Help**

Any individual with dignity and respect concerns should read and consider the options available under this policy to resolve them. Heads, Managers, Tutors, Post Graduate Advisors, Contact Persons, Human Resources staff, Trade Union and Student representatives can offer guidance and help on the resolution of dignity and respect issues. Help and support is also available through Student Counselling, the Student Health Centre and the Employee Assistance Programme. Please see **Appendix 1**.

## **2.0 Scope and Roles**

### **Legislation**

This policy is underpinned by equality legislation and complies with the:

- Employment Equality Acts, 1998 to 2011
- Equal Status Acts, 2000 to 2012
- Disability Act, 2005
- Health and Safety Act, 2005
- Health and Safety Authority's Code of Practice on the Prevention of Workplace Bullying
- Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work
- Workplace Relations Commission's Code of Practice on Procedures for Addressing Bullying in the Work Place.
- Code of Practice Applying to the Employment of People with Disabilities
- Procedural Agreements with the trade unions

Breaches of the policy may constitute grounds for invoking disciplinary procedures which may result in sanction up to and including dismissal. This policy does not affect your statutory rights under the Employment Equality Acts, 1998 to 2011 and the Equal Status Acts, 2000 to 2012.

There is a statutory time limit of 6 months from the date of the latest alleged incident for the making of a formal complaint. This can be extended up to 12 months where exceptional circumstances prevent the complainant from making the complaint.

### **Scope of the Policy**

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

- The University campus, buildings/centres in all locations.
- The campus of any other University or other place where staff or students are representing Trinity.

- At events such as social functions, conferences, sporting events, field trips or work assignments which are related to the University, to a person's work /study, or at which a person is representing the University.
- To written, email and telephone communications, use of the internet, and social media in relation to any University related activity.

All members of the University 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 the University 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.

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| <ul style="list-style-type: none"> <li>✓ <b>Set the tone for a positive, flexible, responsive, productive and safe environment where open and frank discussion of ideas can take place.</b></li> <li>✓ <b>Lead by good example.</b></li> </ul> |
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## **Roles and Responsibilities**

### **Role of Human Resources**

- To oversee the implementation of the University policy in relation to staff and students in a fair and transparent manner.
- To raise awareness and develop best practice.
- To co-ordinate the Panel of Contact Persons.
- To provide advice and training to Heads of Schools/Administrative and Support Areas/Managers on handling dignity and respect matters.

- To advise on the operation of the policy and the options available for the progression and resolution of dignity and respect matters.
- To provide referrals to the Contact Persons.
- To provide referrals to services e.g. the Employee Assistance Programme, Occupational Health Service
- To provide management support to Investigators and disciplinary/appeals panels in the process.
- To arrange workplace mediation for cases as required.

**:: Contact Human Resources – [employee.relations@tcd.ie](mailto:employee.relations@tcd.ie)**

### **Role of Contact Persons**

The specially trained Contact Persons advise on the options available under the policy for resolving dignity and respect issues. They provide options and potential for resolution of issues in a positive, solution focussed manner. Contact Persons do not operate in a representative capacity and will not be interviewed or be involved in the formal investigation process. Their role is to:

- Listen to the story.
- Advise on the operation of the policy and of the options available under the policy for resolving dignity and respect matters.
- Provide support and help staff/students to solve the problem. This applies to complainants, alleged perpetrators and witnesses. A Contact Person will not provide advice to both parties involved in a dignity and respect issue.
- Advise and give information on other sources of help e.g. Employee Assistance Programme, Student Counselling/Health Centre.
- Assist staff/students with handling the matter directly.
- Intervene, officially and informally on behalf of the staff member/student with the alleged perpetrator if requested and after full discussion.
- Act only with agreement of the staff member/student.
- Provide support to the individual staff member or student during a formal process.

- Provide referrals to the mediation process or request mediation.
- Encourage an open discussion with the staff member/student to create a balanced view of the situation
- Liaise with Heads of Schools/Managers/Tutors in complex academic staff/student complaints

**:: List of College Contact Persons – see Appendix 1**

### **Role of Deans, Heads and Managers**

Leaders have a particular responsibility to ensure the policy is upheld and to deal promptly and effectively with any dignity and respect issues of which they are aware. This includes:

- Explaining the policy to all staff and ensuring their understanding.
- Promoting ongoing awareness of the policy.
- Being vigilant and intervening before a problem escalates.
- Responding sensitively and promptly to any staff member/student who makes a complaint, and ensure they are not victimised for making a complaint.
- Seeking advice from Human Resources/Contact Persons.
- Ensuring all parties are treated with dignity and respect.
- Investigating complaints.
- Providing referrals to all parties (i.e. complainants, alleged perpetrators and witnesses) to Contact Persons/Human Resources.
- Monitoring and following up the situation to ensure that the unwelcome behaviour does not recur.

### **Role of Tutors and the Post Graduate Advisory Service**

Tutors and the Post Graduate Advisory Service are often the first point of contact for a student seeking assistance to resolve a problem. Thus they are in a particularly important position to advise and guide students. The role of tutors under this policy is to:



- Respond sensitively and promptly to students or colleagues who make a complaint
- Ensure complainants are not victimised for making a complaint
- Seek advice from the Senior Tutors Office, Human Resources or Contact Persons, as appropriate.
- Be familiar with the policy.
- Promote ongoing awareness of the policy.
- Ensure all parties are treated with dignity and respect.
- To refer all parties to the sources of help in **Appendix 1**.

Tutors may represent a student in a formal complaint process where required and appropriate.

Tutor/Post Graduate Advisors may approach the Head of School on the student's behalf in informal cases where there might be an academic impact. They can discuss the situation anonymously in the first instance and represent the student if any action is taken.

**Contact - [www.tcd.ie/Senior Tutor/](http://www.tcd.ie/Senior_Tutor/)  
[www.tcd.ie/Senior Tutor/postgraduate/](http://www.tcd.ie/Senior_Tutor/postgraduate/)**

### **Role of Trade Unions, Student Unions and Associations**

Trade Unions, 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.

Representatives are required to co-operate with efforts by Deans/Heads/Managers to resolve complaints under the policy. If the complaint is referred for formal investigation, staff/student representatives are required to co-operate fully with attempts to conduct the investigation fairly, reasonably and without undue delay.

**:: Contact your local representative for information**

### **Role of Employee Assistance Provider**

- To provide support and counselling to staff who attend this externally provided service about breakdowns in communications, bullying and harassment.
- To encourage staff to handle the matters through the procedures and to refer them to their Head/Manager, a Contact Person or Human Resources for further advice on the operation of the policy.

**:: [www.tcd.ie/hr/staff-wellbeing/employee-assistance](http://www.tcd.ie/hr/staff-wellbeing/employee-assistance)**

### **Role of the Equality Officer**

- To provide information to staff and students on equality matters.
- To provide information on the operation of this policy and the options available for the progression and resolution of dignity and respect matters.
- To direct staff/students to the appropriate sources of help, resources and procedures.
- To communicate and promote the policy amongst staff/students.
- To raise awareness on the prevention of bullying and harassment and to promote dignity and respect amongst staff and students.

### **Role of Every Individual**

- To be aware of your own behaviours.
- To not let situations persist.
- To not participate in gossip/rumour.

### 3.0 Definitions

#### Discrimination and Harassment

Discrimination on any of the nine equality grounds, harassment, sexual harassment, bullying or intimidation will not be tolerated by the University.

#### 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 University'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.

## **The Effects of Bullying and Harassment**

Bullying and Harassment can affect many aspects of University life and an individual's wellbeing including:

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

- ✓ **Treat colleagues with dignity and courtesy.**
- ✓ **Respect individuality and diversity.**
- ✓ **Respect management structures, roles and responsibilities.**
- ✓ **Don't be afraid to speak out and ask questions – it is acceptable to disagree and have a point of view.**

## **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/ electronic means.

**Physical:** unwelcome physical contact, up to and including assault.

### **Sexual Assault**

Assault, including sexual assault, is not within the University's disciplinary jurisdiction and, as a matter of criminal law, should be referred to An Garda Síochána. Victims may find it helpful to speak with any of the sources of help listed in Appendix 1 in determining the appropriate course of action.

### **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; civil 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.

## **Note on Posters and Promotional Materials**

The definition of sexual, racial and other types of harassment applies to the production and display of images and written material such as student posters and promotional materials where the content could reasonably be perceived within a University context as offensive, humiliating or intimidating to the recipient in relation to any of the nine equality grounds.

## **Harassment by Outsiders**

Harassment by persons not directly connected to the University, such as clients, service providers etc. is unacceptable and should be promptly reported. Although the University 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 reoccurrence of such conduct. All members of the University should afford the same level of respect to visitors to the University, as they are a valuable part of our Community.

## **4.0 Procedures for Resolving Dignity and Respect Matters**

There are a number of options under the policy to resolve dignity and respect issues. Complaints of harassment, sexual harassment and bullying will be treated seriously and with due regard for the rights and sensitivities of the complainant and the person against whom the complaint has been made. Complaints will be dealt with promptly and sympathetically. As far as reasonably possible, every effort will be made to handle complaints in strict confidence.

Individuals who feel bullied or harassed may opt to have their concerns addressed by informal or formal means. It is preferable that matters are resolved without recourse to the formal investigation process but sometimes, it may be appropriate for the formal process to be invoked from the outset.

### **Informal Resolution Process**

The objective of this approach is to resolve the issues with the minimum of conflict and stress for the individuals involved. At the outset, complainants should consult with their Head/Manager/Tutor and/or a Contact Person who will explain the operation of the policy and help the complainant choose the best option for achieving a resolution. Complainants are encouraged to inform the alleged perpetrator directly of the impact of their behaviour and that their behaviour is unwelcome. The Head/Manager/Tutor and/or a Contact Person may coach the complainant on how best to communicate the message to the alleged perpetrator. This often resolves the situation as the person may be unaware that their behaviour is causing distress.

Alternatively, complainants may ask their Head/Manager/Tutor or a Contact Person to alert the alleged perpetrator to their concerns, if the complainant feels unable to have the conversation directly with the alleged perpetrator at that stage.

If the matter remains unresolved complainants can ask their Head/Manager/Tutor or a Contact Person to facilitate an informal resolution. Complainants are also encouraged to consider mediation if other informal approaches fail to resolve the matter.

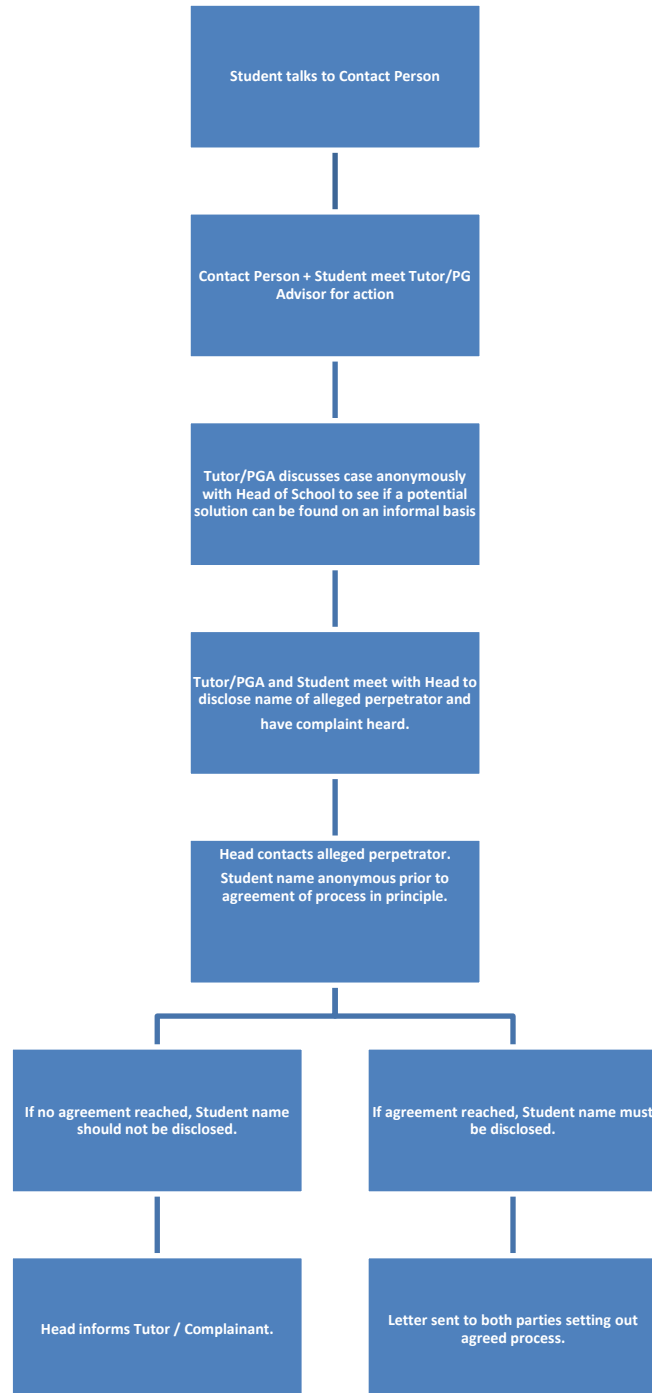
## When Academic Progress is affected by Dignity and Respect Matters

Where students feel that their academic progress is being adversely affected by the behaviour of an academic staff member (who is responsible for the assessment of their course work and examinations, or the supervision of their dissertations/theses or practical placements) and they have been in touch with a Contact Person the following process will apply:

- The Contact Person (with the permission of the student) will set up and attend (if appropriate) a meeting with the Tutor/Post Graduate Advisor.
- The Tutor/Post Graduate Advisor will contact the relevant Head of School, on the student's behalf, to advise of the situation anonymously (with both the student and academic not named) and to discuss potential informal options.
- If an informal solution is identified, the Head of School will meet with the Tutor/Post Graduate Advisor (and Contact Person, as appropriate) and the student to hear the complaint directly.
- As a potential solution, the Head of School may make suitable arrangements without delay to ensure that conflicts of interest are avoided, without prejudice to any party in the case.
- It should be noted that if a case is very serious the informal process may not be appropriate.
- The Head of School will raise the allegation with the academic staff member concerned. In the initial meeting this should be discussed, where possible, with the student name anonymous and only when agreement is reached in principle with the academic staff member, will the name of the student be disclosed.
- The Head of School will write to the parties, without prejudice, setting out the agreed process.
- In the case of postgraduate students, the Head of School may work in conjunction with the Dean of Graduate Studies, to seek a resolution under existing procedures.
- The Head of School will monitor the situation on an ongoing basis to ensure that the solution agreed works. The agreement may be revised, if necessary with the consent of both parties.
- The Head of School may, depending on the nature of the complaint, recommend training or counselling, or other methods of upholding the University's policy going forward.



- An important aspect to this process is the speed with which the case is brought to a conclusion. Ideally, cases should be concluded within two weeks to one month.
- If an informal resolution cannot be realised at this point, the student may access the formal process. If a formal complaint is made, the Head of School may impose a temporary solution, without prejudice to any party, until the complaint is resolved



## **Posters and Student Publications**

Where the complaint concerns a student society or club poster, promotional material or publication, it can be raised initially with the student society/club responsible for publishing the materials or with the associated Capitated Body.

All of the Capitated Bodies (Students' Union, Graduate Students' Union, D.U.C.A.C., Central Societies Committee and the D.U. Publications Committee) and the Capitation Committee itself have procedures in place to respond to and deal with complaints about materials produced by the Capitated Bodies themselves or their dependent organisations.

Formal complaints should be submitted in writing to the Capitation Committee for full investigation by email to the [SeniorDean@tcd.ie](mailto:SeniorDean@tcd.ie).

## **Workplace Mediation**

The University supports 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. If the parties agree to this approach, the University will appoint a neutral and impartial Mediator to facilitate the process. Information on the mediation process is set out in **Appendix 2**.

## **Formal Complaints Process**

For serious complaints or where the problem is not resolved through any of the informal methods, the formal complaints process may be used. The person to whom a formal written complaint should be directed depends on the position held by the alleged perpetrator. Generally, the path is through their line management structure i.e.:

- Academic Staff: Head of Department/School or Faculty Dean or Senior Dean
  - Non-Academic Staff: Head of Department /School, Head of Administrative Area or, in exceptional circumstances, Human Resources
  - Student: Tutor, Post Graduate Advisor, Head of Department/School, Faculty Dean or Junior Dean
- 
- A formal complaint involves providing a written account setting out the details of the complaint, including the dates and times of incidences and the names of any witnesses to each event.
  - This account will be forwarded to the alleged perpetrator for formal written response, a copy of which the complainant will also receive. Further exchange of correspondence may ensue. If the matter is not resolved following the exchange of formal correspondence, an Investigator will be appointed. Parties to the investigation will receive a letter setting out the terms of reference, scope and process for the investigation.

## **Investigation Process**

Generally the investigation will be conducted through the line management structure of the School or Area in question. Occasionally, it may be appropriate for a person from another School/Area or nominated third party to conduct the investigation. A Human Resources staff member will be assigned to provide administrative support to the Investigator. Where appropriate, there may be more than one Investigator appointed, all of whom should be involved in all stages of the investigation, including the interviewing of witnesses and parties to the complaint.

The terms of reference for the investigation will be drawn up and furnished to all parties to the complaint. The investigation will look objectively at all evidence pertinent to the complaint. The Investigator(s) should meet with the complainant, the alleged perpetrator and any witnesses that the Investigator deems appropriate on an individual basis with a view to establishing the facts.

Both complainant and alleged perpetrator may be accompanied at any meeting with the Investigator by an authorised Trade Union/Staff /Student representative or Tutor/Post Graduate Advisor/work colleague.

All material relevant to the complaint will be made available to the alleged perpetrator during the course of the investigation who will be provided with the opportunity to respond to the issues raised therein.

Further investigation meetings may be scheduled if required. Every effort will be made to complete the investigation as quickly as possible, and within an agreed timeframe if feasible. Staff and students 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 perpetrator. Both parties will be given an opportunity to comment on the findings.

If 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 relevant University disciplinary procedure. If it is found that a complaint was brought maliciously, the matter will be dealt with under disciplinary procedures. It will be considered a disciplinary offence to victimise or retaliate against a complainant for bringing a complaint in good faith.

The University will seek to protect all of the parties involved in an investigation from victimisation and from any negative impact on their day to day work or study. It is expected all parties will act in a courteous and respectful manner during the process. Parties may be asked to minimise contact with each other, other than the day-to-day professional interactions that are required in their roles as staff and students.

### **Time Frames**

Investigations of formal complaints will be held as quickly as possible. During each stage of the process, the complainant and the alleged perpetrator will be made aware of deadlines. In addition, regular updates will be given on the progress of the case. Given the nature of the academic environment and lecturing/other commitments, every effort will be made to ensure that mutually agreeable dates for the investigation interviews (if required) will be set up as quickly as possible and that paperwork will be completed in a timely fashion by all parties.

### **Withdrawal of Complaints**

From time to time, complainants seek to withdraw their complaint after initiating a formal investigation. The University 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. The withdrawal will be made in writing to the person to whom the complaint was made. The University reserves 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. This provision should not deter staff/students from reporting genuine complaints.

### **Counter Allegations**

Generally, if part of a formal investigation, the counter allegation will be formalised in writing, setting out the details of the complaint, including the dates and times of incidences and the names of any witnesses to each incident. Investigation of the counter complaint will be conducted in the same manner as that of the original complaint.

## **5.0 Information for Complainants, Respondents, Witnesses, Investigators and Deans/Heads/Managers/Tutors**

### **Information for Complainants**

The following checklist may be helpful to you in deciding whether you have dignity and respect issues that need to be addressed.

- 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 your Head/Manager, if appropriate, Contact Person or one of the other sources of help listed in this policy. It may be difficult to talk about the unwanted behaviour or to make a complaint. 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.

## Responsibilities of Complainants

- To recognise legitimate management instruction
- To seek to resolve issues 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 the resolution of the matter.
- To seek support and representation as appropriate
- To be factual in any written/verbal evidence
- To afford dignity and respect to others
- To maintain confidentiality

- ✓ **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

Individuals may be requested in writing to attend a meeting with an Investigator. The letter will usually state that you have been named as a witness in a complaint. All staff and students are expected to co-operate with this request. If unsure about the request, individuals should discuss their concerns with one of the Contact Persons listed in Appendix 1. Witnesses will not be informed about the content of the complaint. Witnesses may be asked to give an account of an event they may have witnessed or to clarify the content of an interaction they may have witnessed. Witnesses will not be given any information on the outcome of the investigation. While this may feel frustrating, this is to protect the confidentiality of the parties involved.

## **Confidentiality**

All staff and students are expected to maintain strict confidentiality about becoming a witness, and the content of the meeting with the Investigator. Individuals should not discuss this with colleagues/classmates or with the complainant/alleged perpetrator. If you wish to discuss the matter with someone, you can talk to your Manager/Head, a Contact Person, a Human Resources staff member or your Tutor, as appropriate.

## **What evidence should I give?**

Be truthful. Only give evidence which you have directly witnessed, not that you have heard from colleagues/classmates. If you cannot recall precisely the events, you should state this clearly.

## **Right to Representation**

While witnesses generally do not choose to have a representative present at proceedings, you may be accompanied at any meeting with the Investigator by your Trade Union or Student representative or work colleague.

## **Do I get copies of my statements?**

If you wish, you may obtain a copy of the notes taken during your meeting with the Investigator.

## **Will this information be kept on my file?**

No information will be kept on your personnel file regarding your participation in the case.

## **Support**

Please see **Appendix 1** which lists the sources of help available to you.



## **Information for Respondents to a Dignity and Respect Complaint**

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 complainant will have spent a considerable amount of time deciding upon whether to make a complaint and whether they wish it to progress through informal or formal procedures. Based on this decision, you may have been contacted in a number of ways. If the person has chosen the informal path, you may have been contacted by the person themselves or by your Manager/Head or a Contact Person who will explain the problem that has arisen and their role in helping with a resolution. The complainant may seek a private meeting with you to discuss the problem informally rather than making a formal complaint.

If your Manager/Head or 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 incidences/behaviours complained of, or feel that it was not your intention to cause offence/upset, you should discuss this with the person who approached you about the complaint. It is likely that they will alert you to the impact of the incidences on the complainant (as advised by the complainant). The Manager/Head/Contact Person may also confirm that the complainant is amenable to resolving the matter informally. This provides an opportunity for reflection on the matter and discussion with the Manager/Head/Contact Person on an agreed course of action.

You may also be contacted by your Manager/Head or a member of Human Resources to advise that a formal complaint has been made against you. If this is the case, you will receive a copy of the complaint in writing and be invited to provide your formal written response in the first instance, a copy of which will be furnished to the complainant. A further exchange of correspondence with the complainant may ensue. If the matter proceeds to formal investigation, you will be issued a letter setting out the terms of reference for the investigation.

## **Seeking Advice**

Persons against whom a dignity and respect complaint is made are strongly recommended to speak with one of the specially trained Contact Persons. The same Contact Person will not advise both parties to a complaint. You may be referred to a different Contact Person if this situation arises. The Contact Person's role is to offer advice and support and to facilitate an informal resolution if possible. Contact Persons do not operate in a representative capacity at formal investigation meetings.

## **Representation**

You may be accompanied at any meeting with the Investigator by your Trade Union or Student representative or work colleague.

## **What information will be held on my file?**

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

## **Will disciplinary actions follow automatically if the complaint is upheld?**

If the dignity and respect complaint is upheld, disciplinary sanction may be imposed following the invoking of the relevant disciplinary procedures. The level of any disciplinary sanction imposed will be commensurate with the degree of transgression. The disciplinary hearing will not be conducted by the Investigator. Information on the University Disciplinary Procedures may be viewed on the Human Resources website or obtained from Employee Relations.

## **Support**

Please see **Appendix 1** which lists the sources of help available to you.

## **Protection from Victimisation**

The University will seek to protect all parties involved (i.e. complainant, alleged perpetrator, witnesses) from victimisation and from any negative impact on their day-to-day work or study. The alleged perpetrator may be asked to refrain from engaging with the complainant for the duration of the investigation. However, it is accepted that essential interaction in relation to normal working or student matters may be required during the process. It is expected that all parties will act in a respectful and professional manner in this regard.

## **Information for Investigators**

An investigator will be appointed from within the University to conduct the investigation under the formal complaints handling process and will receive administrative support from a Human Resources staff member. The investigator will be provided with a terms of reference for the investigation which generally involves a consideration of the written accounts of the parties involved, the separate interviewing of the parties and witnesses to the alleged incidences to establish the facts around the allegations and the drawing up of a draft report of findings which is furnished to the parties for comment. Such comment is considered further by the investigator in drawing up the final report.

The final report, which will include a determination on whether, or not, the behaviour complained of constitutes a breach of the policy, will be submitted to the Dean/Head/Manager identified in the investigation terms of reference, who will consider the appropriateness, or otherwise, of initiating disciplinary procedures.

## **Information for Faculty Deans, Heads of Departments / Schools, Managers and Tutors**

Faculty Deans, Heads of Schools, Managers and Tutors have an important role in ensuring awareness of the policy and promoting a positive work and study atmosphere. In addition you may be contacted in relation to staff/student concerns about dignity and respect matters, in which case you should:

- Treat the staff member/student sympathetically without taking sides.
- Remind the staff member/student of the importance of confidentiality.
- Provide the web reference for the policy or give them a printed copy of the policy.
- Explain the role of the Contact Persons and encourage the staff member/student to speak with one of them. Advise the person of the supports available to them, as listed at the back of the policy.
- Keep a short file note to confirm the date of the meeting and that you took them through the available options under the policy.
- Sometimes complainants may not wish to pursue the matter any further at that stage but may revert to you subsequently if they experience further incidences of unwelcome behaviour.
- Encourage the complainant to speak directly to the alleged perpetrator, where possible. If the complainant finds this too difficult, either you or a Contact Person can speak with the alleged perpetrator on their behalf. This should be done in a non-judgemental and professional manner. You, or the Contact Person, are simply alerting the alleged perpetrator to the complainant's concerns and how they are impacted by the behaviour. In the majority of instances, the alleged perpetrator may be unaware of the impact of their behaviour on others. Most dignity and respect issues are resolved once the alleged perpetrator becomes aware that their behaviour is negatively impacting on others.
- Encourage both parties to participate in mediation if informal interventions fail to resolve matters.

If mediation fails, or if appropriate at an earlier juncture, the formal complaints process may be invoked and an Investigator appointed to formally determine whether the behaviour complained of constitutes a breach of the policy. Any request for a formal investigation must be in writing and addressed to you. You have responsibility for ensuring the complaint is investigated. You should seek immediate advice from a member of the Employee Relations Team, Human Resources in such instance.

## Contacts

You can seek advice on the procedures from Human Resources. In the first instance, you can talk to your Divisional/Faculty HR Partner:

- Academic Services Division and Financial Services Divisions – Philip Coffey, [coffeyph@tcd.ie](mailto:coffeyph@tcd.ie), ext. 4825
- Corporate Services Divisions – Joanne O’Hanlon, [Joanne.OHanlon@tcd.ie](mailto:Joanne.OHanlon@tcd.ie) , ext. 2074
- Faculty of Health Sciences - Donal Moore, [moored2@tcd.ie](mailto:moored2@tcd.ie), ext. 4128
- Faculty of Arts Humanities, and Social Sciences – Cathy Gibson [Cathy.Gibson@tcd.ie](mailto:Cathy.Gibson@tcd.ie), ext. 3517
- Faculty of Engineering Mathematics & Science, Ann-Marie Farrell, [farrela4@tcd.ie](mailto:farrela4@tcd.ie), ext. 3967

And additionally, a member of the Employee Relations team:

- Maeve Duffy, Employee Relations Officer, ext. 1094, [mduffy@tcd.ie](mailto:mduffy@tcd.ie)
- Karen Dunne, Employee Relations Officer, ext. 1825, [kdunne@tcd.ie](mailto:kdunne@tcd.ie)
- Cora Mullins, Employee Relations Officer, ext. 1882, [mullinco@tcd.ie](mailto:mullinco@tcd.ie)
- Mary Leahy, Employee Relations Team Leader, ext. 8512, [leahyme@tcd.ie](mailto:leahyme@tcd.ie)
- Ken O’Doherty, Employee Relations Manager, ext. 3328, [kodoher@tcd.ie](mailto:kodoher@tcd.ie)

## Awareness Sessions

Training and awareness sessions on the operation of this policy will continue to be delivered as necessary in the University and where possible, incorporated into other training programmes e.g. Supervisor/Line Management training.

## Policy Review

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

## Appendix 1

## SOURCES OF HELP

### Contact Persons

Elizabeth Curtis, School of Nursing, [curtise@tcd.ie](mailto:curtise@tcd.ie), ext. 3533

Martyn Linnie, Zoology, [mlinnie@tcd.ie](mailto:mlinnie@tcd.ie), ext. 1679

Karl Flynn, Director of Buildings Office, [karl.flynn@tcd.ie](mailto:karl.flynn@tcd.ie), ext 3545

Eugene Rhatigan, Security Officer, [rhatigae@tcd.ie](mailto:rhatigae@tcd.ie), ext. 3978 (shift-work)

John Munnely, Buildings Office, [munnellj@tcd.ie](mailto:munnellj@tcd.ie), ext. 2487 / 087 2653374

Inmaculada Arnedillo-Sanchez, Computer Science, [Macu-arnedillo@cs.tcd.ie](mailto:Macu-arnedillo@cs.tcd.ie), ext. 3661

Agnella Craig, Radiation Therapy, [Agnella.Craig@tcd.ie](mailto:Agnella.Craig@tcd.ie), ext. 3926

Jane Flanagan, Estates & Facilities, [jaflanag@tcd.ie](mailto:jaflanag@tcd.ie), ext. 2079

### Other Sources of Help

#### For Staff:

Heads of Departments/Schools

Line Managers

Human Resources (ext. 3333)

Staff Representatives

Occupational Health Service (via Human Resources, [employee.relations@tcd.ie](mailto:employee.relations@tcd.ie) )

University Chaplains (ext. 1901/1260/1402/1417)

University Health Service (ext. 1556)

Equality Officer ([equality@tcd.ie](mailto:equality@tcd.ie), <http://www.tcd.ie/equality/>)

Employee Assistance Programme ([www.tcd.ie/hr/wellbeing/programmes/](http://www.tcd.ie/hr/wellbeing/programmes/))

**For Students:**

Students' Union Welfare Officer, [welfare@tcdsu.org](mailto:welfare@tcdsu.org), (01-6468437)

President of the Graduate Students' Union, [president@gsu.tcd.ie](mailto:president@gsu.tcd.ie), (01-8961169)

University Tutors. (Senior Tutors Office 01-8962551) –Log on to your portal to obtain your Tutor's email address.

Student Counselling Service (01-8961407)

Equality Officer ([equality@tcd.ie](mailto:equality@tcd.ie), <http://www.tcd.ie/equality/>)

University Chaplains (01-896 1901/1260/1402/1417)

University Health Service (01-896 1556)

Please Talk – [www.pleasetalk.ie](http://www.pleasetalk.ie) – and click on the TCD link. This includes information on Student-to-Student (S2S)

The University supports 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.

If the parties agree to this approach, the University will appoint a neutral and impartial Mediator to facilitate the process. The person appointed will be an experienced trained Mediator. The mediation process is strictly confidential to the parties involved. The notification of any agreed outcome may be communicated to any other party only by agreement with the participants and the Mediator.

### **Role of the Mediator**

- To set up, and have signed, the terms of reference with the parties.
- To set up the meetings and venue.
- To provide an environment which facilitates the open discussion of the issues at hand.
- To facilitate the parties agreeing the issues for discussion and exploration of 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 participants.
- 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 the parties**

- To volunteer for mediation, and to sign the contract/terms of reference.
- To fully engage in the process and to genuinely attempt to find an acceptable resolution.
- 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?**

- Staff member contacts their Manager/Head, a Contact Person or Human Resources and mediation is suggested or recommended.
- Options for mediation are discussed and a decision taken on who will liaise with the other party to obtain their agreement to participate in mediation.
- A Mediator is appointed who contacts both parties directly to make the meeting arrangements.

**Where are the meetings held?**

The meetings will be held in a quiet private neutral space.

**Time Frame**

The first meeting should be arranged as quickly as possible, preferably within two weeks of the request. Mediation sessions may last between 1.5 hours to 3 hours, and there may be up to three sessions, depending on the complexity of the issues. In the event of any difficulty around absence from duty in respect of the mediation, the Mediator will discuss with Human Resources how this may be facilitated without breaking confidentiality.

**Confidentiality**

Matters discussed in mediation sessions are confidential and on a 'without prejudice' basis. The participants agree not to compel the Mediator to divulge any matters discussed at mediation, including at any legal or workplace relations forum. Participants must maintain strict confidentiality on matters discussed during mediation. Any written outcomes or notes will be agreed by all the parties. No information about a mediation will be held on a personnel record, unless otherwise agreed with the parties involved.

**Feedback to the University**

There is no feedback provided to the University from the mediation, other than reporting that a mediated solution has/has not been found.

**What if there is no resolution?**

If there is no resolution found, it is up to the parties to decide on the next steps. They may agree to leave the matter aside, or the complainant may wish to progress the matter through the formal procedures.

**Cost**

There is no cost to the participants.