



ST PATRICK'S COLLEGE DRUMCONDRA

POLICY AND PROCEDURES TO PROMOTE RESPECT AND DIGNITY AT WORK AND TO PREVENT AND DEAL WITH HARASSMENT & BULLYING

(FIFTH REVISED DRAFT: MARCH 2003)

CONTENTS

Preface: College Policy Statement

- 1. Definitions**
- 2. The Effects of Harassment**
- 3. What is Appropriate Behaviour**
- 4. Responsibility**
- 5. What you should do as the Victim of Harassment**
- 6. How the College will Respond to a Complaint**
- 7. Rights of the Parties**
- 8. Disciplinary Action & Penalties**
- 9. Summary**

Appendix:

Advice in Cases of Harassment or Bullying

PREFACE

COLLEGE POLICY STATEMENT

St Patrick's College seeks to create and sustain an educational community which is safe, supportive and enriching for all its members. To that end, the College is committed to ensuring that students and staff are free to go about their business and perform their work in an environment that is free from physical or verbal threat, harassment and intimidation. Such actions create a real threat to the safety, health and welfare of the individual and the community we aspire to promote. They also undermine the ethos of the College and the educational principles we seek to promote.

The policy and procedures which follow aim to

- promote respect and dignity in the College
- prevent harassment and bullying and
- provide a framework for dealing with them when and if they occur

Different forms of harassment, including sexual harassment and bullying are defined and their effects described. An attempt is made to describe what is appropriate behaviour. Attention is also drawn to the responsibilities of all staff and students in this matter. Detailed advice is offered as to what someone who feels they may be a victim of harassment or bullying should do and how the College will respond. Names of people from whom further advice and support may be sought are included in an appendix.

The College approach to harassment and bullying is based on a positive philosophy of prevention using education and awareness-raising to create an environment in which such corrosive behaviour will not flourish. To this end, the College will continue to organise training and awareness-raising sessions for staff and students. Where incidents occur, complaints will be investigated sensitively and resolved locally if possible. If the circumstances warrant it, formal disciplinary/grievance procedures will be invoked by the College.

Action will be taken to ensure that all staff and students are aware of this policy and the grievance procedures available to deal with complaints.

This policy will be reviewed periodically in the light of experience and changes in the law.

1. Definitions

Harassment is defined as any act or conduct which is unwelcome and offensive, humiliating or intimidating. It is unlawful for a person to harass an individual on the grounds of age, disability, family status, gender, marital status, membership of the travelling community, race, colour, religious belief, or sexual orientation.

Sexual harassment is defined under the Employment Equality Act (1998) as including 'all unwelcome and sexually, or otherwise on the gender ground, offensive, humiliating or intimidating actions involving acts of physical intimacy, spoken words, gestures, or the production, display or circulation of written material or pictures, or requests for sexual favours'. Sexual harassment refers to deliberate sexual comments and gestures or any other conduct of a sexual nature that is embarrassing, demeaning or compromising. Sexual harassment may be explicit or implicit; it may be a single incident or occur over a period of time. It may be directed at an individual or at a group. In defining and identifying sexual harassment it is the effect of the behaviour that is relevant not the intent. It is the impact of the behaviour on the person affected by the behaviour that determines whether sexual harassment has occurred.

Sexual harassment does not refer to normal human interaction and behaviour that is mutually acceptable to the parties involved. Friendships (whether sexual or otherwise) are a private concern.

Sexual harassment may comprise one or more of the following examples:

- transmitting, through any media, sexually suggestive messages or images
- displaying sexually suggestive or pornographic pictures, calendars etc.
- leering, offensive gestures or whistling in a sexually suggestive manner
- unwelcome sexual advances
- unwelcome pressure for social contact
- sexually suggestive jokes, remarks or innuendo
- unwelcome physical contact
- any suggestion of academic reward for sexual or social favours or of victimisation for non-compliance.
- any suggestion of promotion or advancement at work in return for sexual favours or of victimisation for non-compliance

Such conduct is damaging to the harassed person, the perpetrator and to the College Community and it will not be tolerated by the College.

Although women are more likely to be harassed than men, it is possible for men to be harassed by women or other men, and women to be harassed by other women. In any event sexual harassment is usually associated with the

abuse of power by one person over another. It may also involve harassment of an individual by a group. It most often occurs in relationships of unequal power or authority as in staff/student and supervisor/subordinate relationships, although it may also take place between peers.

Bullying is a form of harassment. It is the misuse of power or position to persistently domineer, humiliate, intimidate and undermine an individual. The **Task Force on the Prevention of Workplace Bullying** (2001) defines bullying as 'repeated inappropriate behaviour, direct and indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work....An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying'.

The College is determined to prevent bullying and to act promptly where it exists. While victims of bullying cannot seek redress under Equality Legislation, other legal avenues of redress exist. Bullying is not defined in legislation but it is legislated for under the Safety, Health and Welfare at Work Act, 1989 and the Safety, Health and Welfare (General Application) Regulations, 1993.

Bullying manifests itself as various types of behaviour, including behaviour which may

- humiliate, intimidate, verbally abuse
- victimise, exclude and isolate
- intrude through pestering, spying or stalking
- give repeated unreasonable assignments to duties which are obviously unfavourable to one individual
- give repeated impossible deadlines or tasks
- imply threats

2. The Effects of Harassment

Harassment and bullying have serious ramifications for both the victim and the College. They can seriously affect the health and well-being of the individual. They can undermine the self-confidence of students or staff by communicating to them that they are not taken seriously or accorded the personal respect to which they are entitled. They also impact on the broader College community and may have serious negative implications. For example, they can:

- affect the reputation of the College
- decrease job/study performance and work satisfaction

- increase absenteeism and
- create high levels of tension between staff and/or students

3. What is appropriate behaviour?

In accordance with the underlying philosophy and principles of this policy, appropriate behaviour is that which respects the rights and sensitivities of all people involved in the work and study environment of the College. All individuals have a responsibility to contribute towards an environment of trust and respect which form the basis of appropriate professional relationships.

Members of the College community are expected to respect the sensitivities of others, especially where there may be a variation in the interpretation of acceptable behaviour resulting from different backgrounds and cultural values. This sensitivity will particularly apply when there is a power imbalance between the parties.

4. Responsibility

This policy is intended to help all students and members of staff deal with any incidents of harassment which they may encounter. All members of the College Community including central administration, heads of department/units, colleagues, friends, tutors, Union representatives have a responsibility for ensuring that individuals do not suffer any form of harassment and that they are encouraged and supported in any legitimate complaint.

5. What you should do as the Victim of Harassment

Any individual who suffers from harassment from any other individual in the course of their work or study will have the support of the College in putting a stop to the harassment. There are various ways in which an individual can deal with harassment, ranging from simply asking the person to stop in the first instance, to making a formal complaint.

The College has designated a number of current staff as Advisors (see attached Appendix for names and telephone numbers) to assist those who think they have experienced harassment or bullying. If you feel that you are a victim of harassment, you may consult one of these Advisors on an informal confidential basis. It is possible that following consultation an acceptable informal determination of the issue may be achieved. Whether or not you consult one of the Advisors, the following steps should normally be taken:

Step One

1. Act promptly. In some cases, the person against whom you have a complaint may be unaware that his/her behaviour is inappropriate or objectionable, or it may happen that his/her words or actions have been misinterpreted. In such cases, the misunderstanding needs to be cleared up speedily. Even where the behaviour was unintentional, a swift and clear indication that the behaviour is objectionable may prove sufficient.

2. Although an objection is often most effective when delivered face to face, there may be good reasons why you choose not to speak directly to the person against whom you have a complaint. If this is the case, you have the following options:

(a) ask an Advisor or colleague to go with you to speak to the person or to go in your place;

(b) take the matter up with your Head of Department/Unit, or with the Senior Tutor or Registrar or Secretary/Bursar if you prefer;

(c) seek advice from one of the Advisors listed in the Appendix who might advise you to write to the person against whom you have a complaint being specific about what offends you. You should keep a copy of the letter, in case follow-up action becomes necessary.

(d) make a formal complaint under step 3 below;

(e) if the conduct is violent or criminal in nature, you should contact the Gardai without delay.

You should write down details of the initial and any subsequent incidents.

Step 2

If the behaviour continues, contact one of the Advisors listed in the Appendix. He/she will listen to you in confidence, give you advice on how to proceed and explain how you can take up your complaint more formally. You may, if you wish, be accompanied by a colleague or friend when you see the Advisor and the timing and venue of the meeting can be arranged to suit your convenience.

Step 3

It may be necessary to make a formal complaint in order to stop harassment successfully. This should be made in writing to the Human Resources Manager or the Secretary/Bursar (or, if the complaint involves one of the above, to the President). Where a student wishes to make a complaint against another student, it should be made in writing to the Registrar. Where the President is the subject of a formal complaint, it should be made in writing to the Chairperson of the Governing Body.

Where a complaint is of a serious nature an individual may decide to make a formal complaint under Step 3 without raising the matter under Step 2.

All complaints will be handled with sensitivity and confidentiality will be maintained in so far as this is possible.

6. How the College will Respond to a Formal Complaint

It is the responsibility of relevant College officers to deal with formal complaints of harassment. The College officer receiving the complaint cannot ignore or trivialise the issue. He/she should do the following:

- be sympathetic and understanding of the individual making the complaint
- re-assure the individual making the complaint of his/her rights in this regard
- document the complaint where possible

As a course of action, where a formal complaint is made, the relevant College officer will either:

- (a) subject to the wishes of the person making the complaint, contact the alleged perpetrator and do whatever is possible to facilitate a resolution .
- (b) Where (a) above has failed, conduct a preliminary investigation to determine if there is a *prima facie* case.
- (c) Where no *prima facie* is found, communicate this to both parties in writing. Either party may request to have this outcome reviewed.
- (d) Where a *prima facie* case is established, and unless both parties are agreeable to a further attempt at resolution, inform the Secretary Bursar or President or Chairperson of Governing Body (as appropriate) who will appoint assessor(s) to investigate the complaint. The assessor(s) will interview the alleged perpetrator and any witnesses and prepare a detailed report. The assessor(s) should be acceptable to both parties. Persons involved during the informal complaints procedure should not be involved subsequently in the formal complaints procedure.

7. Rights of the Parties

Complaints will be treated seriously. An individual is free to make a complaint. He or she will not be victimised for making a complaint. However, a complaint should be made within a reasonable period of time. If a complaint is found to be malicious, disciplinary action may be taken.

The alleged perpetrator of harassment also has rights. He or she will be provided with a written statement of the complaint made. He or she is entitled to representation and to a fair and impartial hearing and the right to challenge a claim of harassment. He or she may appeal the finding of the assessor or the penalty imposed. An allegation of harassment remains an allegation until it is found, following investigation, to be harassment.

All procedures will be in accordance with the principles of natural justice.

Either party may appeal the outcome to an external assessor who will report to the President (or Chairperson of the Governing Body where the President is the subject of the complaint).

8. Disciplinary Action and Penalties

a) Disciplinary action may be taken against an individual if, after an investigation, the allegation is upheld. Penalties are in accordance with the normal disciplinary procedure and/or employee's contract of employment and/or the students' Code of Discipline. Disciplinary action may also include transfer of a member of staff who is found to have harassed a colleague or a student to an appropriate alternative area.

b) Disciplinary action may be taken against a student if, after an investigation, an allegation against him/her is upheld.

c) Perpetrators of harassment who are neither staff nor students of the College may be excluded from the campus.

9. Summary

Harassment is a form of discrimination. It demeans and damages people. The College is committed to providing an environment which is free of harassment and which values the contribution of all members of the College community. The College recognises that the issue of whether harassment has occurred requires a factual determination based on all the evidence received. The College also recognises that false accusations of sexual harassment can have serious effects on innocent men and women. We trust that all individuals will continue to act in a responsible and professional manner to establish a pleasant working and study environment free from harassment.

Appendix

ADVICE IN CASES OF HARASSMENT OR BULLYING

[draft list: for finalisation later]

If you feel you have been subject to harassment or bullying, you can seek advice from any of the following:

Head of Department/Unit

Student Welfare Officer ph. 2232

Fr Eamonn Cowan,
College Chaplain ph. 2224

Aida Keane
(Student Counsellor) ph. 2281

Senior Tutor

Any member of the College Equality Committee:

Brenna Clarke, Eamon Cowan CM, Maeve Fitzpatrick, Ann Louise Gilligan, Celia Keating, Daire Keogh, Carla King, Deirdre O'Dwyer, Joe Travers and Fionnuala Waldron.

Sources of external advice include:

The Equality Authority	1890 245545
The Rape Crisis Centre	661 4911
AMICUS	6761213
IFUT	661 0909.
IMPACT	8171500
USI	435 3400
Anti-bullying Unit, TCD	6722941