

# Bullying & Harassment Policy



**Policy owner:**

Equality, Diversity & Inclusion

**Approval date and body**

11 May 2022, UMT

**This policy document has been developed following desk-based research into best practice nationally and internationally, extensive internal consultation through externally facilitated focus groups, written submissions and individual meetings and external consultation with experts in the area of dignity and respect. This policy is one element of a broad framework to work towards a culture of dignity and respect at UCD to include but not limited to: targeted training for key roles, an ongoing University-wide awareness raising campaign and training, dedicated full-time and voluntary support roles and a range of supporting documentation such as visual aids.**

## 1. Purpose

The purpose of this policy and supplementary materials, including the Support and Guidance document and the Formal Investigation Procedures document, is to support the development of a working and learning environment in which bullying and harassment are unacceptable and where individuals have the confidence and trust in the process to come forward, in the knowledge that their concerns will be dealt with appropriately and fairly.

University College Dublin has six core values driving our culture: Excellence; Integrity; Collegiality; Engagement; Diversity and Creativity. In line with these values, the University is committed to the provision of an environment of respect for diversity and equality of opportunity where:

- you have the right to be treated with dignity and respect and can work and study in a rewarding, safe and stress free environment;
- bullying and harassment will not be tolerated and can lead to disciplinary action;
- it is more likely to enhance performance and achievement which will allow all members of our University community to fully utilise their skills and talents and achieve their full potential.

In addition, the University wants to create a climate of trust through the provision of a transparent oversight process, to include external membership, and to take a proactive approach to monitoring and publication of statistics and identification of actions to address any patterns of inappropriate behaviour that is arising.

This policy sets out how the University defines bullying and harassment, what it expects of members of the UCD student and employee community, the responsibilities of key roles in the University and how you will be supported when issues of this nature occur.

We [University College Dublin] recognise that bullying and harassment – in either a learning or work environment – can cause not only personal distress, but also a loss of confidence, low morale and illness. It can also lead to absenteeism from course work or the workplace and interfere with your academic performance and work. You have the right to disclose experiences of unacceptable behaviour while studying or working, to be listened to, to seek support and to have the issue resolved.

**We encourage you to come forward to seek support and assistance in resolving any issues of bullying or harassment, and to explore informal and formal options available for resolution. You can be assured that we will act sensitively to all cases of bullying and harassment. All individuals involved in a bullying and harassment situation will be supported. We will ensure that, in all cases, reports are carefully and thoughtfully addressed through a process that is transparent and clearly communicated to all individuals involved in line with personal data requirements.**

## **2. Scope**

This Policy applies to all members of our community and others as defined below under section 3. Those under the category of “other” (as defined under section 3) can avail of this policy if they wish to report or make a formal complaint of bullying and/or harassment against a member of the UCD community. If there is any issue in relation to the conduct of those under the category of “other”, then the policy of the organisation in which they are employed or connected to will normally apply. However, UCD reserves the right to carry out an investigation under this policy taking into account the circumstances of the case. The support services of UCD are applicable to UCD Community members.

This Policy applies to all areas of University operations and programmes. It includes conduct which takes place:

- On our campus
- Other places where our employees or students or others are representing the University or are engaged in a University connected activity.
- At events such as social functions, conferences, sporting events, field trips or work assignments which are related to the University or are a University connected activity.
- In relation to clubs/societies
- At non-UCD connected activities, on or off campus, including social gatherings involving UCD students and employees, or other members of the UCD community as defined below, where the alleged incident(s) has a direct impact on the individuals where there is ongoing interaction between the individuals in a University related environment.
- This conduct can be in person, in writing, on the telephone, by e-mail or on the internet and social media.

### **Students on Internship/Placements**

- Where UCD students on placement or internships in other organisations wish to make a complaint of bullying and/or harassment against an individual in that organisation, the dignity and respect policies of that organisation will normally apply.
- Where a UCD student on placement or internship in other organisations has a complaint made against them, they will be subject to UCD policy and they may be subject to the policy of that organisation also.
- Where a UCD student on placement or internship in another organisation makes a complaint against another UCD student on placement/internship in that organisation, they will be subject to UCD policy and they may be subject to the policy of that organisation also.

- In some situations, based on the circumstances of the case, UCD and the host organisation may need to agree on who should lead the investigation process.

### **Employees on Secondment**

- Where a UCD employee is on secondment in another organisations and wishes to make a complaint of bullying and/or harassment against an individual in that organisation, the dignity and respect policies of that organisation will normally apply.
- Where a UCD employee on secondment in another organisation has a complaint made against them, they will be subject to UCD policy and they may be subject to the policy of that organisation also.
- Where a UCD employee on secondment in another organisation makes a complaint against another UCD employee also on secondment in that organisation, they will be subject to UCD policy and they may be subject to the policy of that organisation also.
- In some situations, based on the circumstances of the case, UCD and the host organisation may need to agree on who should lead the investigation process.

There will be no time limit regarding receipt of complaints by the University. The focus will not be on the length of time to bring the complaint forward but rather the impact of the delay on the likelihood of a fair investigation being carried out. The impact of the delay will need to be determined by the Screening Panel based on the information they receive as part of the formal complaint and they will consider the following:

- The circumstances of the alleged complaint
- The complexity of the alleged complaint
- The cause of the delay
- Possibility of prejudice to the respondent.

If the Screening Panel confirms, based on the information they have received as part of the formal complaint, that impact of the delay will not impinge on the likelihood of a fair investigation, an external investigator may be appointed. The external investigator, based on the information received as part of the investigation, can recommend that by reason of the passage of time and taking into account the considerations referred to above, a fair investigation will not be possible.

In the event of the death of a respondent, an investigation will not proceed.

It is possible for an individual to feel they have also been subjected to sexual misconduct. If this is the case, please refer also to the policy on Sexual Misconduct.

## **3. Definitions**

It is important that you make yourself aware of the definitions below as it will help determine whether the policy applies to your own situation. It will also make you aware of the type of behaviour that is not acceptable and which you should not engage in. These definitions have been developed based on a review of best practice, Codes of Practice, extensive consultation and relevant legislation. The fact that the person who caused the offence may not have intended to engage in bullying or harassment behaviour is not a defence, it is the impact of the behaviour on you that is considered. It is important to note that whilst some behaviours may not fall under the definitions as outlined below, the University does not tolerate unacceptable behaviour of any type. Please refer to Section 6(a) below on Related Documents for information on other related policies.

## UCD Community

- All UCD employees, whether part time or full time, permanent or temporary;
- All UCD employees of based in overseas campus/offices;
- All students of UCD;
- Those engaged in Club activity such as graduates (player, committee member, coach/manager), those volunteering to coach/lead/manage, those being employed by the club to coach/ lead/ manage;
- Non-University employees who use University funds, facilities or other resources, including the University's name and reputation, to carry out teaching and/or research, and/or participate in UCD-administered research, including retired employees, visiting faculty and researchers; consultants, contractors, affiliated hospital staff, industrial personnel and research fellows, regardless of obligations to other companies or institutions; and
- All persons conducting teaching and/or research at or under the auspices of UCD including at any of UCD's overseas campus, including visiting faculty and researchers; consultants; contractors, Emeritus or adjunct appointments; and research fellows.

## Other

In this Policy, "others" shall be taken to include, but is not limited to:

- contractors, and sub-contractors;
- alumni and past employees;
- vendors;
- those who engage and/or who interact with the University and/or its associated bodies;
- those who provide services to the University;
- those who avail of services and/or are visitors of and to the University or any of its associated bodies;
- All employees of UCD's wholly owned subsidiary companies.

## Bullying

Bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work/study and/or in the course of employment/study which could reasonably be regarded as undermining the individual's right to dignity at the place of work/study. 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 University will apply the following criteria set out by the Code of Practice on Bullying 2021:

- an on-going series of accumulation of seriously negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way
- behaviour is offensive, on-going, targeted and outside any reasonable "norm"
- a pattern and trend are involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating.
- involves repeated incidents or a pattern of behaviour that is usually intended to intimidate, offend, degrade or humiliate a particular person or group of people – but the intention is not important in the identification process.

However, unacceptable behaviour is not tolerated and you should refer to the Grievance Procedure or the Student Code of Conduct to resolve an isolated incident.

The following are common, but not exclusive examples of bullying behaviour:

- Verbal abuse/insults
- Physical abuse
- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Unjustifiable exclusion e.g. withholding information, isolation or non-co-operation, non-response or repeated unavailability, exclusion from classroom and social activities.
- Menacing behaviour
- Offensive, intimidating, malicious or insulting behaviour, open aggression, threats, shouting.
- Undermining behaviour
- Controlling, coercive and threatening behaviour
- Excessive monitoring of work
- Humiliation
- Gossip
- Withholding work-related information
- Blame for things beyond the person's control
- Misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- Bullying and Harassment on Social Media whether conducted on a personal device or University equipment.

Bullying at work does not include reasonable and essential feedback or constructive criticism or discipline arising from the management of the conduct or performance of an employee at work or actions taken which can be justified on grounds such as safety, health and welfare at work. For example, an employee whose performance is justifiably signalled in a proper and reasonable manner as being below required standards may feel threatened and insecure in their work but this in itself does not indicate bullying. In addition, differences of opinion, arguments or other interpersonal conflict can occur in the workplace, classroom, in student clubs, teams and in student societies. Bullying or harassment should not be confused with these situations.

## Harassment

Harassment is defined as any form of unwanted conduct related to any of the discriminatory grounds under the Employment Equality Acts which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can be a one-off incident. The Formal Investigation Procedures outline a range of informal options and the formal process for resolving issues of a harassment nature. The discriminatory grounds in UCD include:

- **Age:** a person's age, this does not apply to a person aged under 16. Children are covered by Child Protection legislation and the University's Child Protection Policy.
- **Civil status:** a person's civil status be it single, married, separated, divorced, widowed, civil partnered and formerly civil partnered
- **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- **Family status:** being a parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- **Gender (including gender identity):** a person's gender identity including male, female, other
- **Membership of the Traveller community:** now recognised as an ethnic group
- **Race:** includes race, skin colour, nationality or ethnic origin
- **Religion:** a person's religious belief, background, outlook or none
- **Sexual orientation:** a person's sexual orientation including gay, lesbian, bisexual and heterosexual

- **Socio-economic status:** a combined economic and sociological measure of a person's work experience and of an individual's economic and social position in relation to others, based on income, education, and occupation.

The following are examples of harassment:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including text messages, emails or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges which may be deemed as harassment
- Inappropriate scrutiny of the activities of others
- Isolation or exclusion from social activities
- Unreasonably changing a person's job content or targets
- Pressure to behave in a manner that the person thinks is inappropriate
- Cyber-harassment whether conducted on a personal device or company equipment.

### **Informal Resolution**

Informal resolution refers to the options available to resolve an issue without instigating the formal investigation procedure. These options are outlined in the Dignity and Respect – Bullying and Harassment Supports and Guidance document. These options include contacting the person being reported if you feel comfortable doing so or asking the Dignity and Respect Support Service Advisor to meet with the individual on your behalf, engaging in facilitation or mediation. You are advised to discuss options for resolution with the Dignity and Respect Support Service Support Advisor. As a person reported, you are also advised to seek advice from a member of the Dignity and Respect Support Service around informal interventions to be aware as to what is entailed.

As set out in the WRC/HAS Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying (2021) (hereafter called the Code of Practice on Bullying 2021), a prompt and informal problem-solving approach offers the best potential for addressing allegations of bullying effectively. It is good practice that all informal resolution avenues should be considered and where appropriate, exhausted before a formal process is instigated. Proceeding to a formal process should not be viewed as automatic as set out in the Code of Practice on Bullying 2021 and it is important that parties are aware of the emphasis placed on informal options as a means of resolution. An important reason for this is to support the professional relationship going forward. Further advice can be provided by the Dignity and Respect Support Service. It is recognised that there may be instances where informal options may not be appropriate.

The support and guidance documentation outlines further informal approaches and processes that should be considered in addressing and resolving allegations of bullying effectively.

### **Reporting Person**

A reporting person is defined as an individual that has come forward to report an incident(s) that they consider to be bullying and/or harassment type behaviour, however they have not submitted a formal complaint form.

### **Person being Reported**

A person being reported is defined as the individual that the reporting person considers to be carrying out the bullying and/or harassment type behaviour, however no formal complaint form has been submitted.



## **Formal Complaint**

A complaint is deemed to be formal once the Dignity and Respect complaint form has been completed and submitted to the Equality, Diversity, and Inclusion Unit. Following receipt of a formal complaint, a preliminary screening will be undertaken by a screening panel to decide on a prima facie basis whether the alleged behaviour falls within the definition of bullying and/or harassment and scope as defined in this policy. The screening panel can also recommend if informal interventions should be considered. If deemed to fall within the definitions and scope and informal interventions are deemed inappropriate by the screening panel, the complaint will proceed to a formal investigation which will be supported by either UCD HR or the Students Engagement, Conduct, Complaints and Appeals office, as appropriate. If informal interventions are deemed appropriate by the screening panel and considered the most effective means of resolving the issues as per the WRC/HAS Code of Practice on Bullying 2021, a member of the EDI Unit will meet with both the complainant and respondent separately to discuss these options further and the reasons for recommending informal options in this instance. If the Screening Panel finds that the behaviour does not fall within the definitions and scope of bullying or harassment, the panel may direct the complaint to an alternative process. Consideration will be given to the fact that a formal complaint form has already been completed in relation to the issues. Further details in relation to formal complaints and the role of the Screening Panel are located in the Formal Complaints Procedure document.

## **Complainant**

The complainant is a person who makes a formal complaint, using the Dignity and Respect complaint form, that they have been subject to bullying and/or harassment.

## **Respondent**

The respondent is a person who is named in a formal complaint as having allegedly carried out the bullying and/or harassment behaviour.

## **Precautionary Measures**

If a person makes a formal complaint of bullying and/or harassment, reasonable precautionary measures may be put in place pending the outcome of a University or criminal investigation process. A precautionary measure is not a penalty or a sanction and does not indicate that it has been concluded that the person concerned has committed a breach of discipline or a criminal offence. Rather these precautionary measures may be put in place in the best interests of all parties involved including any witnesses.

There are two instances where precautionary measures may be put in place in relation to informal resolution. If an individual reports an issue that has not progressed to a formal complaint and is exploring informal resolution options, precautionary measures may be considered (excluding neutral suspension). An appropriate person in the local structures independent of the situation will determine if precautionary measures are required. Further information on precautionary measures can be obtained from the Dignity and Respect Support Service. If a formal complaint has been made and the Screening Panel recommends informal options, precautionary measures may also be considered. (Further information on the range of measures in this instance are outlined in the formal Complaints Procedures document). As per the Code, enough time needs to be allowed for the informal option process to be successful and behaviour change to be realistically achieved over the longer term.

Precautionary measures may potentially be kept in place following an intervention depending on the circumstances.

## **Discrimination**

The Employment Equality Acts 1998 – 2015 defines discrimination as treating one person in a less favourable way than another person based on any of the equality grounds (see grounds listed under harassment). These include recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment including sexual harassment. Claims of discrimination (other than harassment and sexual harassment) are managed under the Grievance Procedure for employees or Student Complaints (or other) for students.

## **Victimisation**

No person should be the subject of any act or omission that affects them to their detriment for having raised bullying and/or harassment issues, making a formal complaint in good faith, for giving evidence in an investigation (as a witness/bystander for example) or by giving notice of intention to do so. The University takes victimisation very seriously and action will be taken in instances where this occurs. Any individual that experiences victimisation is strongly encouraged to seek support and report this behaviour to the Dignity and Respect Support Service Advisor or EDI Unit.

## **Penalisation**

The Safety, Health and Welfare at Work Act, 2005 (the “2005 Act”) prohibits employers from penalising employees for making complaints in respect of health and safety matters in the workplace. Penalisation under the 2005 Act is defined as any act or omission of an employer which affects a term or condition of employment of an employee to their detriment. Penalisation could include suspending, demoting, dismissing an employee or reducing their wages. It could also include coercion or intimidation.

## **Restorative Practice**

Restorative Practice in the context of this policy refers to the potential opportunity, following a formal investigation or informal intervention, for you as a person who has been impacted by another individual's actions or behaviour to discuss this impact with that individual and then collectively to work to identify ways to repair the working relationship or relationship between students. The focus is not on punishment or on the bullying and harassment issues but providing an opportunity for you and the other individual to discuss the impact of the behaviour and ultimately help to restore the professional relationship. In summary it covers aspects such as the issues that occurred, how these have impacted and how things can be made better.

## **Dignity and Respect Environmental Assessment**

A Dignity and Respect Environmental Assessment is an assessment of the broader cultural issues/prevaling conditions within an area. A periodic environmental assessment may be undertaken at intervals as directed by a sub-group of the Dignity and Respect Oversight group where a small number of areas (Colleges/VP areas) will be randomly selected by the sub-group.

A targeted Dignity and Respect Environmental Assessment may also occur where particular statistical trends have been highlighted. These trends may be identified through anonymous reports made by individuals (reporting person) in the [Report and Support Tool](#) for example or where an individual(s) have come forward informally to report an incident but do(es) not wish to make a formal complaint at that point in time. Trends may also be identified where bystanders/witnesses have reported incidents.

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<sup>1</sup> Report and Support provides the opportunity for you to make the University aware of incidents that you have either experienced or witnessed by reporting them anonymously. More information can be found at [reportandsupport.ucd.ie](http://reportandsupport.ucd.ie)



These assessments will help measure how well this policy is being embedded across the University and its impact.

The Dignity and Respect Oversight Sub-Group will monitor this data on a quarterly basis. If an environmental assessment of an area is identified, either on a periodic review basis or arising from a targeted review of data available, the area must cooperate with the assessment. All environmental assessments will be conducted by an independent third party. A Dignity and Respect Environmental Assessment will not result in any sanctions being issued, however it gives the University the authority to implement action plans aimed at changing culture or behaviours.

### **Malicious Complaint**

Under the Code of Practice on Bullying 2021, a malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of allegedly bullying them. This could also apply to where one person maliciously complains of someone allegedly bullying a third party, without fully exploring the veracity of the claim. A malicious complaint has the power to disrupt another person's life to a significant extent and the potential damage should not be underestimated. Being accused of bullying can have a serious impact on any person and reduce their reputation in the eyes of others, even if later shown to not have been proven. Those making complaints - and those involved in early assessment of the circumstances of a complaint - should always be mindful of the context and situational aspects of the event and accept the different perspectives and points of view different people bring to the same event. Making a malicious complaint, if proven, can have serious implications for the employment / studies of the person making such a complaint and this includes disciplinary action, where established

## **4. Principles**

The key principles of the policy are to:

- Ensure that the University has proactive measures in place to promote a positive culture of dignity and respect and to create a working and learning environment which makes clear the expectations of members of our community with regard to respecting each other and that unacceptable behaviour will not be tolerated.
- Create a safe and respectful environment where people feel encouraged to come forward with the issues they are experiencing and have trust and confidence in the process that the issues will be dealt with appropriately and fairly.
- Ensure that there is a range of trained supports available, both voluntary and full-time dedicated roles, whom you can approach and seek support and guidance from and that these are widely communicated.
- Ensure that there are a range of informal and formal options for resolution available for those experiencing issues of a bullying and harassment nature and to promote informal options as the most effective means of dispute resolution as per the Code of Practice on Bullying 2021 where appropriate.
- Promote understanding of our definitions of bullying and harassment.
- Expectation that you will cooperate with all efforts in order to resolve complaints under the policy and without undue delay as appropriate.
- Expectation that you will respect the confidentiality of the process. However, you are strongly encouraged to seek support from the support services available and your family which will involve you sharing information confidentially with them.
- Enhance transparency by having external expert involvement at key stages of the dignity and respect process including external membership on the screening panel, the appointment of

external investigators, the use of external mediators and external membership on the EDI Dignity and Respect Oversight Sub-Group.

- Have an effective and transparent monitoring and analysis process of dignity and respect related data, and the reporting of this data to relevant internal and external bodies on a defined periodic basis in order to demonstrate accountability.

Review this Policy on a regular basis in line with changes in the law, relevant case-law, feedback from people's experience of the policy or other developments.

## **5. Roles and responsibilities**

As members of our community, we are all expected to work to develop and maintain a high degree of respect in our diverse community and to participate in creating a positive and safe environment. As with all policies and procedures, this document assigns responsibilities to a range of roles within the University, including senior management of the University. Failure to uphold the responsibilities assigned is taken very seriously and may lead to informal or formal action, including, in the case of students, under the Student Code and Student Discipline Procedure, and in the case of employees under the Disciplinary Statute (Statute 28). Formal sanctions available for breach of university policies and procedures are graduated by reference to the seriousness of the breach, for students ranging between a written reprimand to permanent expulsion from the University, and for employees at all levels ranging between a verbal warning to dismissal.

The responsibilities of these roles are described in detail below.

### **Governing Authority**

- Support the pursuit of the development and implementation of leading policies/procedures that clearly represent the values of UCD.
- Amplify the value and importance of dignity and respect in the University and supporting strategy of the Governing Authority.
- Oversee the work of the Dignity and Respect Oversight Group and receive an annual report from this group on the implementation of the policy and supporting framework and monitor emerging trends.
- Engage in relevant training in relation to dignity and respect and broader equality, diversity and inclusion.

### **University Management Team (UMT)**

The University Management Team are the senior leadership team of the University led by the President. They have overall formal responsibility for the operation of this policy. They have the responsibility to:

- Visibly lead and champion a positive culture of dignity and respect free from bullying and harassment and where trust and transparency around dignity and respect is paramount. This will include ensuring that all senior leaders are appropriately trained.
- Ensure that adequate resources are allocated to support a positive culture of dignity and respect including training and awareness raising campaigns.
- Proactively encourage individuals to seek support and guidance if experiencing issues of a bullying and harassment nature.
- Review dignity and respect reports and recommendations submitted on a quarterly basis from the Dignity and Respect Oversight Group and EDI group and take the necessary action.
- Ensure that data is publicly available to enhance transparency around the process.

- Engage with the Governing Authority and external bodies such as the HEA in relation to progress on the implementation of the dignity and respect framework as appropriate.

### **Dignity and Respect Oversight Committee**

The Dignity and Respect Oversight Committee, reporting to the EDI Group and UMT on a quarterly basis and annually to the Governing Authority, will consist of key stakeholders from across the University and external members who are expert in the area of dignity and respect. It will have responsibility to provide oversight and guidance and enhance transparency around dignity and respect as follows:

- Provide guidance and direction in relation to the implementation of the Dignity and Respect policies and supporting framework to support a culture of dignity and respect.
- Monitor progress in relation to the implementation of the broader Dignity and Respect Framework and Consent Framework under <sup>2</sup>ESHTE and measure against established KPIs.
- Monitor statistical data relating to reports made under the Report and Support tool, formal dignity and respect complaints and contacts with designated supports roles such as the Dignity and Respect Contact Persons and the Dignity and Respect Support Service Advisor.
- Direct both periodic and targeted environmental assessments based on available data to be undertaken to assess the culture in an area in relation to Dignity and Respect and measure the impact of the policy.
- Ensure there is transparency in relation to Dignity and Respect in UCD through the publication of statistics and actions to address themes arising.
- Advise on best practice nationally and internationally.
- Act as Champions for a positive culture of dignity and respect and trust in the process.
- Report into and make recommendations to the EDI Group and UMT on a quarterly basis and report annually to the Governing Authority.

### **Dignity and Respect Support Service Advisors**

Reporting to Equality Diversity and Inclusion, the full-time roles of Dignity and Respect Support Service Advisors will work proactively with employees and students who disclose issues of a bullying and harassment nature and those who are reported. These roles, who are experienced and trained to support, respond and advise on all reports of a dignity and respect nature, will provide you with a supportive, confidential environment in which to discuss the issues and support you to make a decision that is right for you and your situation.

As a reporting person, these roles will provide support and work with you in relation to the steps to seeking a solution to the issues you are experiencing. This includes supporting you through any informal interventions you wish to use, including accompanying you to meetings with the individual if you wish to approach them or potentially engaging with the other individual depending on the circumstances. They can also assist you in making a formal complaint if you wish to do so and continue providing that support throughout the formal complaints process which may include accompanying you to investigation meetings and the provision of aftercare support following any informal or formal interventions.

As a person being reported, the Dignity and Respect Support Service Advisors are also available to support you if you have been accused of carrying out such behaviour however different advisors will support the various people involved to avoid a conflict of interest. They will provide details to you on the informal options available or if a formal complaint has been made, they will provide information as

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<sup>2</sup> Ending Sexual Violence in Third Level Education Project

to what this will normally entail. They may accompany you to investigations and also provide aftercare support.

The Dignity and Respect Support Service Advisors will also support, and work closely with, the panel of Dignity and Respect Contact Persons, who are trained voluntary support roles available to those experiencing issues of a dignity and respect nature. Further information on these roles are available in the Support and Guidance document.

The Dignity and Respect Support Service Advisor roles are available during normal working hours, however in the case of emergency the Duty Manager in Estate Services is available at any time day or night on 716 7999 and has a direct contact with the Gardaí (Police) if required.

The key responsibilities of the roles include:

- Providing impartial information and support around options in relation to resolving issues of a bullying and harassment nature.
- Supporting engagement in informal interventions if there is a desire to do so including the provision of information on mediation and liaising with the external mediation provider in the event that mediation is proceeding.
- Accompanying a reporting person to approach the person carrying out the alleged bullying and harassment behaviour and potentially engaging with them if requested.
- Supporting and guiding the reporting person in making a formal complaint if they wish to do so.
- Accompanying complainants or respondents to investigation meetings (if requested to by the complainant or respondent) and providing after care support following a formal investigation process regardless of the outcome.
- Signposting and referring individuals to other appropriate support services both within the University and externally.
- Keeping accurate records to a safe, professional and ethical standard and monitor and report statistical data.
- Providing specialist advice to University and College employees on individual cases of dignity and respect, including possible actions to ensure that employees and students feel safe and protected.
- Providing key support for the panel of Dignity and Respect Contact Persons and guide and advise as appropriate ensuring a high standard and consistency in delivery of support as well as championing of the panel.
- Liaising closely with other key Dignity and Respect supports such as Student Advisers, EDI, HR and the Dignity and Respect Oversight Committee.
- Supporting the delivery of dignity and respect training to employees and students.
- Monitoring contacts and disclosures which will feed into the overall data reporting system that will support the Dignity and Respect Oversight Sub-Group make decisions around instigating targeted environmental assessments.
- Keeping abreast of best practice developments in this area nationally and internationally.

### **Individuals**

As individual members of the University Community, we all have a responsibility to:

- At all times, treat all members of the University community with whom you interact with dignity and respect and be aware of the impact of your actions.
- Be familiar with the principles of this policy and positively contribute to a culture of dignity and respect by engaging with any training and/or awareness raising and initiatives.
- If you witness behaviour that you consider to be bullying and/or harassment, you should report it to a Head of School/Line Manager or the Dignity and Respect Support Service Advisor.

- Encourage any individual that confides in you that they have experienced bullying and/or harassment, to seek support and guidance from the sources available.
- Engage in respectful conduct or behaviour that will not endanger your own safety, health and welfare or work or that of any other person including obligations under the Safety, Health and Welfare at Work Act, 2005.

#### **Human Resources/Office of the Registrar as appropriate**

- Provide advice to Heads of School/Unit and line managers on addressing dignity and respect related matters including how they can best support those experiencing issues of a dignity and respect nature.
- Signpost employees and students to specialist supports and advisors such as the Dignity and Respect Support Service Advisors, Dignity and Respect Contact Persons, Employee Assistance Service, Student Counselling Service etc.
- Provide management support to external investigators in the formal Dignity and Respect Complaints process.
- Maintain communications with the reporting person/complainant and person being reported /respondent and keep them informed of the progress of the formal investigation.

#### **Equality, Diversity & Inclusion (EDI)**

- Support the roles of the Dignity and Respect Support Service Advisors.
- Champion and promote a culture of dignity and respect throughout the University Community where bullying and harassment is not tolerated.
- Lead out on periodic reviews of the Dignity and Respect - Bullying and Harassment policy.
- Support the work of the Dignity and Respect Oversight Group.
- Monitor the data in relation to bullying and harassment from the various sources and compile statistical reports and make recommendations to the Dignity and Respect Oversight Group, UMT and the Governing Authority.

#### **People Managers (Heads of School/Unit and those with line management responsibilities) (for employees)**

**People managers have important roles to play in creating a culture of dignity and respect in their School/Unit and supporting employees who are experiencing issues of dignity and respect, with support from HR. There may be instances where an individual may feel that there is a conflict of interest in approaching their line managers where the issue is with the line manager or if both individuals involved report to the same manager. In this instance, individuals can approach the next management level up or contact the Dignity and Respect Support Service Advisor as well as seek support from the other sources of support available. The role of the People Manager is to:**

- At all times, treat all members of the University community with dignity and respect.
- Proactively promote ongoing awareness in relation to dignity and respect in their area including keeping dignity and respect as a regular agenda item at School/Unit meetings.
- Work with those involved in a bullying and harassment issue in a proactive manner to provide options and potential pathways for resolution of issues in a positive, solution focused manner. Seek advice from HR and the Dignity and Respect Report Support Service Advisors as well as engaging with other people managers to seek support and advice (anonymously) in relation to addressing issues of dignity and respect in their areas.
- Undertake appropriate training and be able to explain the policy and the supports to employees in their area.
- Encourage employees to come forward to report issues and to encourage them to seek support and guidance from the Dignity and Respect Support Service Advisors and other supports that can assist in the resolution of issues.

- Monitor and follow up on the situation to ensure that unwelcome behaviour does not occur or recur.
- Be vigilant for signs of bullying and harassment through observation and by getting feedback and to take appropriate action before a matter escalates.
- Where unwelcome behaviour has occurred, and is admitted, be clear that it is not acceptable and to take disciplinary action if appropriate.
- Work with HR to take precautionary measures as deemed reasonable by the University.
- Facilitate and/or pro-actively request environmental assessments in their area and encourage participation by students and employees, ensuring that they are supported throughout the process.

#### **Heads of School, Associate Deans and Programme Coordinators (in the case of students)**

- At all times, treat all members of the University community with dignity and respect.
- Proactively promote ongoing awareness in relation to dignity and respect amongst students.
- Respond sensitively and promptly to students who are raising dignity and respect issues and signpost them to the various supports such as the Student Advisers and Dignity and Respect Support Service Advisor.
- Seek advice from the Dignity and Respect Support Service Advisor if required in relation to issues raised by students.
- Undertake appropriate training and be familiar with the Dignity and Respect Policies and Supports.
- Be vigilant for signs of bullying and harassment through observation and by getting feedback and to take appropriate action before a matter escalates.
- Facilitate and/or pro-actively request environmental assessments in their area and encourage participation by students and employees, ensuring that they are supported throughout the process.

**There are a number of support roles in the University that provide support and information to students and employees such as the Dignity and Respect Contact Persons, Student Advisers, Chaplains, Students Union, Trade Unions. Further information in relation to these roles can be found in the Dignity and Respect Supports and Guidance document.**

#### **Trade Unions (for employees)**

Trade Unions can play an important role in providing information, advice and support to employees who feel that they are being bullied or harassed or against whom a complaint has been made. The trade unions with the right to represent grades of employees in UCD are: IFUT, SIPTU and UNITE.

#### **Students' Union**

The Student's Union has a number of full-time sabbatical officers who are elected each year by students. They are a further point of contact for students who may be experiencing issues relating to dignity and respect. They assist students by providing a listening ear and signposting to Student Advisers and Dignity and Respect Support Service Advisor for specialist support and guidance.

#### **Role of Bystanders**

A bystander in the context of this policy is an individual that witnesses an incident(s) of bullying or harassment. As a bystander, you are encouraged to report any incidents witnessed to your Head of School/Module Co-ordinator or Dignity and Respect Support Service Advisor in the case of students and in the case of employees, your manager or Dignity and Respect Support Service Advisor who will advise as to the various options available to address the issues. A Dignity and Respect Environmental Assessment may also potentially occur on foot of a Bystander report.



## 6. Related documents

### (a) Related Documents

- Dignity and Respect - Supports and Guidance Document
- Dignity and Respect - Formal Investigation Procedure
- Dignity and Respect –Sexual Misconduct Policy
- Grievance Procedure Policy
- Equality, Diversity and Inclusion Policy
- Employee-Student Relationship Policy
- Student Code of Conduct
- Disciplinary Statute
- Dignity and Respect Data Privacy Statement
- Industrial Relations Act 1990 (Code of Practice for employers and employees on the prevention and resolution of bullying at work)

### (b) Legislation

This Policy is designed to ensure compliance with the Codes of Practice issued under the Safety, Health and Welfare at Work Act 2005, the Industrial Relations Act 1990 (as amended) and the Employment Equality Act (as amended) and the provisions of the Work Relations Commission (WRC) S.I. 208/2012 for addressing harassment/sexual harassment.

The following legislation is relevant to bullying and harassment:

- Safety, Health and Welfare at Work Act 2005
- Non-Fatal Offences Against the Person Act 1997
- Equal Status Acts, 2000 - 2018
- Prohibition to Incitement of Hatred Act 1989
- Employment Equality Acts, 1998 – 2015
- Data Protection Act 1988 – 2018
- Protected Disclosures Act 2014
- Irish Human Rights and Equality Commission Act 2014
- Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work Order 2020) (SI no 674 of 2020)

This Policy has also been developed to ensure compliance with the Student Code and the IUA Guidelines 2020.

### (c) Confidentiality (see Data Privacy statement)

Confidentiality will be observed as far as practicable and in accordance with the provisions of the Data Protection Act 2003 - 2018 and the Children First Act, 2015 which governs child protection. Confidentiality is a key principle of the Dignity and Respect – Bullying and Harassment policy and is essential to the integrity of a formal complaints process. It is important that any party to a complaint, which most commonly includes reporting person/complainant, person being reported/respondent or witness, does not breach confidentiality. This does not preclude parties to the complaint from accessing confidential support services such as Employee Assistance Service, speaking to a designated contact person or a student advisor, trade union representative, accompanying person or human resources. Respect for an individual's request for confidentiality will be maintained (as far as practicable) except in any or all of the following situations:

- In situations where there is a risk that a Respondent may repeat their actions and pose a real physical/mental threat to the well-being of others. If this situation arises, the HR Director or the Registrar, as appropriate, must be contacted and there will be full disclosure to them
- Where failure to disclose information may be a breach of statute
- Where an individual is a minor
- Where there is a potential risk to the University
- Where failure to disclose information may be a breach of Funding Agency Terms & Conditions.

The University will take action that is necessary and proportionate in order to protect the right of the reporting person/ complainant, person being reported/ respondent or witness involved in an investigation.

#### **d) Investigations by An Garda Síochána (Police) / Court orders**

- I. Where an employee/student identifies a breach of this policy which constitutes a criminal offence or an immediate threat to safety, they should report the matter to the Gardaí. Individuals should also inform the University through their line manager or the Dignity and Respect Support Service Advisor, so that appropriate steps can be taken and support provided. Employees or students can contact the Gardaí directly or through the Duty Manager in Estate Services who has access to a contact point in Donnybrook Garda Station at any time, day or night. The Duty manager can be contacted on 716 7999.

The University will only in the most exceptional circumstances, and with the benefit of specific legal advice, report a complaint to the Gardaí contrary to the wishes of the reporting person/complainant. The circumstance in which a report by a University may be justified is if there is considered to be a clear and imminent risk to the safety of the reporting person/complainant or of third parties. If the University does decide that it is necessary to report the allegation to the Gardaí, then the reasons for taking that action will be explained to the reporting person/complainant so that they understand what is happening and they can be prepared if/when the Gardaí contact them. Further details are located in the Dignity and Respect Formal Investigation Procedures.

- II. If any individual has a court order against a UCD community member, they should provide a copy of this to the Dignity and Respect Support and Report Advisor. When the University is put on notice of a court order it will take all reasonable steps to facilitate compliance with the order where possible. Enforcement of the order is however a matter for the applicant/court.

#### **e) The Children’s First Act 2015 and Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012**

The University is obliged to report any disclosures of child sexual abuse, assault, ill-treatment, or neglect of children to Tusla under the reporting responsibilities of the Children First Act 2015, the 2017 Guidance, the University’s Child Safeguarding Statement and the principles of natural justice. Any person to whom such a report is made should contact the UCD Child Protection Officer. The University also has a reporting obligation under the **Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012**. The Act creates a criminal offence of withholding information relating to the commission of a serious

offence, including a sexual offence, against a person under 18 years or a vulnerable person.

#### **f) Transparency through Monitoring and Reporting**

We are committed to being transparent in relation to issues of bullying and harassment in the University whilst still protecting anonymity. Data relating to complaints and reports of bullying and harassment will be used to inform the development of initiatives and activities designed to prevent such behaviour, enhance supports for those experiencing bullying and harassment and promote a safe and respectful environment for all.

A report including an analysis of data collated in relation to contacts, reports, formal complaints and anonymous reports via the University's anonymous Report and Support system and, where appropriate, relevant recommendations will be submitted to the University Management Team and EDI Group on a quarterly basis and annually to the Governing Authority. Data will also be made available to the Dignity and Respect Oversight sub-group through a data collection system that will be established to enable the group to identify areas for targeted environmental assessments.

Specifically, the report will include:

- Statistical data relating to contact, reports, anonymous reports and formal complaints made under the Dignity and Respect - Bullying and Harassment Policy received each year.
- The number of formal complaints investigations and the number of formal complaints that led to disciplinary action.
- Contacts made with the Dignity and Respect Support Service Advisors.
- An analysis of the data collated and any relevant recommendations.
- Summary of progress against the Framework for Consent in HEIs action plans
- Summary of progress against the overall Dignity and Respect Implementation Plan
- Outline of planned actions and initiatives.

For the purpose of continuous monitoring and to enable local review, quarterly reports will be produced and disseminated to senior university leaders. Data will also be made available to relevant University stakeholder groups.

The University will also report dignity and respect statistical data to the HEA as appropriate.

#### **g) Data Protection**

The University has published data privacy statements for employees and students which explain how personal data is used. A specific Data Privacy statement has been developed for this policy which explains how the University will use personal data if one is a reporting person/complainant, person being reported/respondent or a witness in a case considered under the policy and procedure for handling cases of bullying and harassment.

## **7. Version history**

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Author</b>
1.0	October 2016		Project team
1.1	December 2016	Redraft	Plenary Group

1.2	January 2017	Redraft	Plenary Group
1.3	February 2017	Redraft	Plenary Group
1.4	21 February 2017	Redraft	Plenary Group
1.5	9 March 2017	Edits	Plenary Group
1.6	6 April 2017	EIA Edits	Project team
1.7	May 2017	Redraft post consultation pre-Plenary Group	Project team
1.8	7 June 2017	Final Draft	Plenary Group
1.9	August 2020	Periodic Review as advised under the University Policy Management Framework and developments at national level	Review Group
1.10	December 2020	Periodic Review as advised under the University Policy Management Framework and developments at national level	Review Group
1.11	February 2021	External input and revised draft	Project team
1.12	April 2021	Final feedback from Uni community	Project team/Review Group
1.13	September 2021	Change to Dignity & Respect Support Advisor titles	P. Fitzgerald
1.14	April 22	Clarification of Scope and some Definitions	EDI