



Dignity & Respect Policy

Policy owner HR & Registrar **Approval date and body** UMT, 20 June 2017

1. Purpose

Our University, University College Dublin has six core values driving our culture: Excellence; Integrity; Collegiality; Engagement; Diversity and Creativity.

In line with these values, our University is committed to providing an environment in which all members of our community should expect to be able to thrive and to be respected and valued for their unique perspectives and contributions so that they can achieve their fullest potential.

Moreover, we are committed to the promotion of a culture for work and study which upholds the dignity and respect of the individual and which supports the individual's right to study and/or work in an environment which is free from discrimination. This includes any form of bullying, sexual harassment or other forms of harassment.

All members of the University Community are expected to work to develop and maintain a high degree of respect and to participate in creating a positive environment.

2. Principles

The key principles of the policy are to:

- Support the six values of the University of Excellence, Integrity, Collegiality; Engagement, Diversity and Creativity
- Ensure that the University has proactive measures in place in order to promote a positive culture of dignity and respect
- Create a positive working and learning environment, support good communications amongst our people managers, colleagues and students and make clear the expectations of members of our community with regard to respecting each other
- Promote understanding of our definitions of bullying, sexual harassment, or other forms of harassment
- Promote awareness of steps which individuals may take if they believe that they are being bullied or harassed
- When complaints are made, provide methods of resolution for our people managers, colleagues and students in which they have a number of opportunities, both informal and formal, to resolve individual situations or complaints
- Set out key steps in a complaints procedure that are simple, user friendly and easy to operate
- All parties are required to co-operate with all efforts to resolve complaints under the policy and without undue delay
- Have an effective monitoring and analysis process that supports this Policy

3. Scope

This Policy applies to all members of our community - employees, students and others. In this Policy, "others" shall be taken to include, but is not limited to the conduct of contractors, subcontractors, vendors, members of University societies/clubs, 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.

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

- On our campus or any other university or other place where our employees or students 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 person, in writing, on the telephone, by e-mail or on the internet and social media in relation to any University related activity.

Where UCD students or employees are on placement, internship or secondment in other organisations, they need to be aware of the dignity and respect policies of these organisations. Where a complaint is made whilst they are on placement or secondment, our students or employees may be subject to the policies of these organisations as well as under this Policy.

A complaint of bullying, harassment or sexual harassment made under this Policy should be made within 12 months of the alleged incident(s) giving rise to the complaint or within 12 months from the date of the alleged last recurring incident.

The University promotes and encourages the resolution of dignity and respect complaints through informal means in so far as possible. To achieve this, the University is committed to training and supporting members of the community in understanding the importance of dignity and respect and how their roles are integral in promoting a culture where work and study is free from discrimination and any form of bullying, sexual harassment or other forms of harassment.

4. Definitions

We expect the members of the University Community to be committed to the promotion of a culture for work and study which upholds the dignity and respect of the individual and which supports the individual's right to study and/or work in an environment which is free from discrimination. Positive feedback, celebrating success and recognition of successes helps engender a positive dignity and respect culture amongst our employees and students.

It is important that any student or employee makes themselves aware of the definitions below as it will help them determine whether the policy applies to their own situation. These definitions have been developed based on a review of best practice.

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 is not considered to be bullying.

The intention of the person against whom the complaint is being made (the respondent) is irrelevant. The fact that the respondent may not intend to bully/harass/sexually harass an employee or student is not a defence. The effect of the behaviour on the employee or student is what is relevant.

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
- Exclusion
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work
- Humiliation
- Withholding work-related information
- Blame for things beyond the person's control

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/harassment/sexual harassment should not be confused with these situations.

Bullying in the course of a programme of studies does not include reasonable and essential feedback or constructive criticism or discipline arising from the management of the conduct or performance of a student or actions taken which can be justified on grounds such as safety, health and welfare at work. For example, a student whose performance is justifiably signalled in a proper and reasonable manner as being below required standards may feel threatened and insecure in their programme of study but this does not indicate bullying.

Sexual Harassment

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Sexual harassment can be a one-off incident.

The following are examples of sexual harassment:

- Physical contact such as unnecessary touching, patting or pinching or brushing against another body, assault or coercive sexual intercourse
- Sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments
- The display of pornographic or sexually suggestive pictures, objects, written materials including posters, emails, text-messages, social media messaging or faxes
- Leering, whistling or making sexually suggestive gestures

- Conduct that denigrates or ridicules or is intimidatory or physically abusive of a person because of their sex

The Employment Equality Acts 1998 - 2011 do not prohibit all relations of a sexual or social nature at work. To constitute harassment/sexual harassment the behaviour complained of must firstly be unwelcome. It is up to each employee/student/other (e.g. visitor or sub-contractor) to decide

- (a) what behaviour is unwelcome, irrespective of the attitude of others to the matter and
- (b) from whom such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter

The fact that an individual has previously agreed to the behaviour does not stop them from deciding that it has become unwelcome. It is the unwanted nature of the conduct which distinguishes harassment/sexual harassment from behaviour which is welcome and mutual.

In addition, to constitute harassment/sexual harassment under the Employment Equality Acts 1998 - 2011, the behaviour must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

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 discriminatory grounds in UCD include:

- **Gender (including gender identity):** a person's gender identity including male, female, other
- **Civil status:** a person's civil status be it single, married, separated, divorced, widowed, civil partnered and formerly civil partnered
- **Family status:** being a parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- **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.
- **Sexual orientation:** a person's sexual orientation including gay, lesbian, bisexual, non-binary, intersex and heterosexual
- **Religion:** a person's religious belief, background, outlook or none
- **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.
- **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- **Race:** includes race, skin colour, nationality or ethnic origin
- **Membership of the Traveller community:** now recognised as an ethnic group

The following are examples of harassment:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including text messages, emails or notices
- Verbal or written harassment based on socio-economic status
- 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 sexual 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
- Inappropriate use of social media as set out below

Electronic bullying/sexual harassment/harassment and the use of Social Media (Blogs, Wikis, Forums, Email etc.)

This Policy also encompasses electronic bullying/sexual harassment/harassment. This is a term used to refer to bullying/harassment/sexual harassment through electronic media and/or in the use of social media. In sending emails and in the use of all social media, all employees, students and others should consider the content, language and appropriateness of such communications and must adhere to the Acceptable Usage Policy which is accessible at: <http://www.ucd.ie/acceptableusepolicy/>. The Acceptable Use Policy has been formulated to ensure that employees, students and others are aware of their obligations when using for example, social media, the need to ensure that the use of same does not affect the University, its employees, students and/or others and outlines the sanctions for those who do not comply with same. For example, employees, students and/or others shall not use social media to bully, harass, sexually harass or unlawfully discriminate against employees, students and/or others, that confidential information is not disclosed and that the personal use of social media by employees during working hours does not interfere with employment responsibilities and/or productivity etc.

Victimisation

It is considered a breach of this Policy and a disciplinary matter for any employee or student to attempt to victimise or otherwise retaliate against an individual because that individual, whether as a witness or complainant or in any other role, participates in good faith in procedures for addressing issues of bullying, sexual harassment or harassment.

5. Roles and responsibilities

All members of our community are expected to work to develop and maintain a high degree of respect in our diverse community and to participate in creating a positive environment.

Bullying, sexual harassment and harassment can affect many aspects of University life and an individual's wellbeing, for example, there can be:

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

There are a range of roles across the University that will champion a positive culture of dignity and respect.

University Management Team

The University Management team has overall formal responsibility for this policy. They have the responsibility to:

- Lead and champion a positive culture of dignity and respect
- Ensure that adequate resources are allocated to support a positive culture of dignity and respect
- Set appropriate standards of acceptable behaviour through their own actions and deeds
- Take action when required based on monitoring and reporting

People Managers (Heads of School/Unit and those with line management responsibilities)

People managers have a responsibility to ensure that the dignity and respect policy is upheld. They should:

- At all times, treat all members of the University community with dignity and respect
- Be familiar with the University policy and proactively promote ongoing awareness of dignity and respect. It is particularly important that awareness of the policy is promoted to front-line employees in student facing roles
- Undertake appropriate training and be able to explain the policy to all members of the community
- Be vigilant for signs of bullying, sexual harassment or harassment through observation and by getting feedback and by taking action before a matter escalates
- Deal sensitively with those involved in a complaint whether as complainant (the person making a complaint) or respondent (the person against whom a complaint is being made)
- Work with those involved in a complaint in a proactive manner to provide options and potential pathways for resolution of issues in a positive, solution focused manner.
- Where unwelcome behaviour has occurred, and is admitted, be clear that it is not acceptable and take appropriate action
- Seek advice from relevant colleagues (e.g. HR, Dignity and Respect Contact Persons, Equality, Diversity and Inclusion Unit)
- Monitor and follow up on the situation to ensure that unwelcome behaviour does not occur or recur

Student Facing Roles

There are several student facing roles that act as a point of contact and support for University students. These include Student Advisers (see below), Heads of School, Associate Deans and Programme Co-ordinators. These are all important positions that can advise and support students facing dignity and respect issues. Their roles are to

- Respond sensitively and promptly to students who are raising dignity and respect issues
- Be familiar with the Dignity and Respect Policy and Procedure
- Promote ongoing awareness of the policy and a culture of dignity and respect
- Be able to refer students to sources of help and seek advice as appropriate
- Be required to facilitate a discussion between students

Student Advisers & Chaplains

The UCD Student Advisory & Chaplains Service is a key point of contact, support and referral for all UCD students throughout their studies. Every academic programme in UCD has a dedicated Student Adviser who offers students time and space to explore issues of concern to them. The

Student Advisers & Chaplains can assist students in finding pathways to deal with questions relating to dignity and respect and can advise of appropriate UCD policies, procedures and services.

A student in UCD can go to any Student Adviser or Chaplain if they are experiencing issues regarding dignity and respect. Student Advisers & Chaplains work closely with faculty and staff as well as with the other student support staff to ensure that each student's experience at UCD is as fulfilling and enjoyable as possible.

Human Resources/Office of the Registrar as appropriate

- Raise Dignity and Respect awareness and develop best practice
- Provide advice and training to People Managers on handling dignity and respect matters
- Advise on the operation of the policy and options available for the progression and resolution of dignity and respect matters
- Provide referrals to the Dignity and Respect Contact Persons and other services as appropriate (Employee Assistance Programme, Student Counselling, Occupational Health Service)
- Provide management support to investigators in the Dignity and Respect Complaints process
- Report on number of cases, trends and outcomes on an annual basis to the University Management Team and the Equality, Diversity and Inclusion Group

Dignity & Respect Contact Person

A Dignity & Respect Contact Person is specially trained to advise on the options available under the policy for resolving dignity and respect matters for employees and students. In the case of employees, it is strongly recommended that parties engage with this service if they feel that they cannot bring the issue to the attention of their line manager. In the case of students, the initial contact should be with the relevant Head of School, Programme Coordinator, Associate Dean or the Student Adviser, and following discussions they will advise if the student should engage with a Dignity and Respect contact person.

Their role is to listen independently, advise on the operation of the policy and the procedure, provide options and potential pathways for resolution of issues in a positive, solution focussed manner. A Dignity & Respect Contact Person will not operate in a representative capacity and will not be interviewed or be involved in a formal investigation of a complaint (i.e. they will not be interviewed as a witness). Their role is categorised under two headings:

Information:

Listen independently, advise on the operation of the policy and the procedure and Set out options available for the progression and resolution of dignity and respect matters

- Signpost and provide advice on other services (e.g. Employee Assistance Programme and Student Counselling Services)
- Liaise with the Equality, Diversity and Inclusion Manager regarding referrals to the mediation process (see definition in the [Dignity & Respect Procedure](#)) or request for information about mediation

Facilitation:

- Provide support to colleagues/students to resolve a dignity and respect issue. This applies to the person raising the issue and the person against whom the issue is being raised against where both parties agree to this
- The person raising the issue can ask the Dignity and Respect Contact Person to speak with the person that is the subject of the complaint directly and ask them to assist in resolving the matter. This may involve informal facilitation whereby both parties may be invited to a meeting

separately and/or together as appropriate to discuss the issue with the Dignity & Respect Contact Person and agree next steps. Where both parties agree to meet, the Dignity and Respect Contact Person will act as a facilitator in providing options for the resolution of issues. There will be certain cases where this service will not be appropriate

- Provide a supportive environment in which to discuss problems
- Refer the individual(s) on to another support contact or service where necessary

Trade Unions and Students' Union

Trade Unions and the Students' Union can play an important role in providing information, advice and support to employees and students 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.

Student Club and Society Activities

The Chair of Student Activities Committee should be contacted if an issue arises within a Student Club or Society. Their role is to signpost and provide advice on other services (e.g. Student Counselling Services, Student Advisers)

Equality, Diversity & Inclusion Manager

- Co-ordinate and support the Panel of Dignity & Respect Contact Persons
- Provide information to employees and students on equality matters
- Advise on the operation of the policy and options available for the progression and resolution of dignity and respect matters
- Receive formal Dignity and Respect Complaints and liaise with the pre-screening panel under the Dignity and Respect Procedure
- Provide information on mediation to parties involved in dignity and respect issues
- Champion awareness on the prevention of bullying, sexual harassment and harassment and promote a culture of dignity and respect throughout the University Community
- Lead out on periodic reviews of the policy

Individuals

All individual members of the University Community including employees, students and others have a responsibility to:

- At all times, treat all members of the University community that they interact with dignity and respect
- Positively contribute to a culture of dignity and respect
- Engage in respectful conduct or behaviour that will not endanger their 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
- Be aware of the effects of their own behaviour
- Challenge bullying, sexual harassment or other harassment and report any incidents witnesses
- Not make false, malicious or vexatious complaints. It is important to be aware that where reasonable belief exists that a complaint is false or malicious, disciplinary action may be taken against the complainant.

6. Related documents

Procedure

This policy needs to be read in conjunction with the [Dignity and Respect Procedure](#).

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). The provisions of the Work Relations Commission (WRC) Codes of Practice S.I. No.17/2002 and S.I. 208/2012 for addressing bullying in the workplace and harassment/sexual harassment respectively and the Health & Safety Authority 2007 Code of Practice on the prevention and resolution of bullying at work have been incorporated into this Policy.

The following legislation is relevant to bullying/ harassment/sexual harassment:

- Safety, Health and Welfare Act 2005
- Non-Fatal Offences Against the Person Act, 1997
- Equal Status Acts, 2000 - 2015
- Prohibition to Incitement of Hatred Act, 1989
- Employment Equality Acts, 1998 – 2015

This Policy has also been developed to ensure compliance with the Student Code.

Confidentiality

Confidentiality will be observed as far as practicable and in accordance with the provisions of the Data Protection Act 2003 and the Children First Act, 2015 which governs child protection. Employees responsible for implementing this Policy need to be aware of their obligation to respect confidentiality. Respect for an individual's request for confidentiality will be maintained (as far as practicable) except in any or all of the following situations:

- Where the reported incident is so serious that it warrants a formal investigation.
- Where there is a risk that the Respondent may repeat their actions and this would put the Complainant or others at risk of mental or physical danger
- Where there is a potential risk to the University
- Where failure to disclose information may be a breach of statute
- Where an individual is a minor

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, the HR Director or the Registrar, as appropriate, must be contacted and there will be full disclosure to them.

The University reserves the right to alert An Garda Síochána if it believes the circumstances warrant its involvement.

Neutral action

The University reserves the right to take any necessary preventative steps which could include neutral suspensions. Such suspensions do not imply a presumption of guilt and are not a disciplinary sanction to an employee or a student that is suspended. Where an employee is suspended, they will

remain on full-pay. UCD will exercise this with due care after giving the matter proper consideration. Wherever possible, alternatives to suspension will be carefully considered prior to initiating suspension.

Investigations by An Garda Síochána

Should a complaint submitted to the University be investigated by An Garda Síochána, the University reserves the right to suspend its own investigation until the investigation by An Garda Síochána has come to an end.

Monitoring

Monitoring and analysis will take place on an annual basis. Human Resources and the Office of the Registrar will prepare a report on the number of cases, trends and outcomes on an annual basis to the University Management Team and the Equality, Diversity and Inclusion Group.

General

1. The [Dignity & Respect Complaints Procedure](#) should be read in conjunction with this Policy. Strict observance of the Procedure is not appropriate in all cases. Circumstances may warrant that the procedure is abridged or varied and the University reserves the right to do so at any time. The University also reserves the right to amend this Policy and the Procedure from time to time in line with guidelines as set out in the Policy Management Framework.
2. This Policy will operate parallel to other University policies and procedures, including the appropriate disciplinary procedures and acceptable use policies.
3. Where there is more than one University procedure (and/or policies) applicable to any one matter, this will be reviewed by the HR Director (or nominee), the Registrar (or nominee) and Manager of Legal Affairs (or nominee). This group shall decide which of the University's procedures (and/or policies) should have priority or be the most appropriate in the circumstances, and may direct the continuation of some procedure(s) (and/or policies) and the suspension of others pending the outcome of the former.
4. Where in this Policy and the associated Procedure reference is made to any named University office-holder, such reference is to be read as including reference to their appointed nominee.
5. The University is committed to reviewing this Policy on a regular basis in line with changes in the law, relevant case-law or other developments.

7. Version history

Version	Date	Description	Author
1.0	October 2016		Project team
1.1	December 2016	Redraft	Plenary Group

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