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Teicneolaíochta
Leitir Ceanáin

Letterkenny
Institute
of Technology

**DIGNITY AT WORK PROCEDURE
AT
LETTERKENNY INSTITUTE OF TECHNOLOGY**

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Document History

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Approvals

This document requires following approvals –

Name	Title	Date
	Executive Board	
	Audit Committee	
	Governing Body	

1. Introduction

The Letterkenny Institute of Technology is committed to implementing and promoting measures to protect the dignity of employees and students, to encourage respect for others within the Institute. This is done by creating a work environment free from harassment, bullying and disrespectful behaviour and by dealing effectively with any complaints of such conduct as may arise. Harassment is unequal treatment and discrimination. Bullying is defined in Section 2.3 below. Please note this Dignity at Work Procedure document should be read in conjunction with the Institute's Equal Opportunities Guidelines.

Lack of respect may be shown in words, conduct, acts or demeanour. It is recognised that harassment and bullying can seriously damage working and social conditions, and it will not be tolerated during the course of work, study or any other activity of the Institute.

The procedure applies to staff and students in the Institute and at Institute associated events such as meetings, conferences and lectures etc, whether on the premises or off site.

The Institute recognises that the issue of whether harassment, bullying or disrespectful behaviour has occurred requires a factual determination based on all the evidence received. The Letterkenny Institute of Technology also recognises that false accusations can have serious effects on innocent men and women. All persons in the institute are expected to act in a responsible and professional manner to maintain a pleasant working and study environment free of harassment, bullying and disrespectful behaviour.

The Institute recognises the importance of an environment where people are comfortable in their daily interactions. It is therefore important that a balance is struck between preserving the freedom of expression and intellectual enquiry so vital to third level education and ensuring that those freedoms are not abused so as to leave members of the Institute feeling harassed, sexually harassed or bullied.

To assist in achieving this goal, no record of a complaint shall be entered in an employee's or student's file unless the matter is dealt with under the Institutes disciplinary procedure.

To ensure that procedures are not abused complaints of a frivolous or vexatious nature may result in action being taken against the complainant. Complaints of such a nature will be struck from the records of the wrongly accused.

The Institute will not tolerate harassment, bullying or disrespectful behaviour by one individual to another for any reason. In particular persons may not and should not –

- A. Comment unfairly and disrespectfully to or about another employee or student
- B. Harass or bully another employee or student
- C. Discriminate against each other on any of the following grounds;-
 - 1) Gender
 - 2) Marital Status
 - 3) Family Status
 - 4) Sexual Orientation
 - 5) Religious Belief or Lack of Religious Belief
 - 6) Age
 - 7) Disability or the Nature of Disability
 - 8) Race, Colour, Nationality or Ethnic or National Origins
 - 9) Membership of the Traveller Community.

2. Definitions

2.1 *Harassment*

Any act or conduct of a person including spoken words, gestures or the production, display or circulation of written words, pictures or other material, is harassment of one person by another if the action or other conduct is unwelcome to the recipient and could reasonably be regarded, in relation to the relevant characteristics (1) to (9) above, as offensive, humiliating or intimidating to that person.

2.2 *Sexual Harassment*

Sexual or gender based harassment is unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at the Institute. It can include any act of physical intimacy, any request for sexual favours or any other act or conduct including spoken words, gestures, the production, display or circulation of written words, pictures or other material.

Conduct of this nature is sexual harassment if it is unwelcome to an individual and could reasonably be regarded as due to the individual's gender, or sexually offensive, humiliating or intimidating. Conduct of this nature by an employee or student towards a fellow employee or student will constitute sexual harassment. Sexual harassment of any form will not be tolerated by the Institute.

2.3 *Bullying*

Bullying at work has been 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 and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work' HSA Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work.

An isolated incident of the behaviour in this definition may be an affront to dignity but as a once-off incident is not considered to be bullying. Bullying puts at risk the safety, health and welfare of people at work.

A pattern of the following behaviours are examples of types of bullying:

- Exclusion with negative consequences
- Verbal abuse/insults
- Physical abuse
- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Menacing behavior
- Intimidation
- Aggression
- Undermining behaviour

- Excessive monitoring of work
- Humiliation
- Withholding work-related information
- Repeatedly manipulating a person's job content and targets
- Blame for things beyond the person's control.

This list is not exhaustive.

2.4 *Lack of Respect*

Lack of respect can be shown by direct comments, sarcasm, snide remarks, inappropriate jokes or banter directed towards an individual. It can also arise where persons are ignored, overlooked, avoided or shunned without good reason and in a manner likely to be hurtful or disrespectful. Jokes or comments directed at or referring to an individual could be thought amusing by others but unpleasant, uncomfortable or hurtful to that person. Respect should be shown to all persons. Respect is also earned. By showing respect to others and honouring their personal dignity, you will earn their respect.

3. Reporting of Harassment, Bullying and Disrespectful Behaviour

Harassment, Bullying and Disrespectful Behaviour of any form as set out above will not be tolerated by the Institute. Any person who encounters harassment, bullying or disrespectful behaviour themselves or of a colleague or student should inform the Human Resources Department or Head of Department/Function immediately. Any such behaviour directed at a colleague or student by any third party in the Institute should be reported.

Allegations of harassment, bullying or disrespectful behaviour will be treated seriously and dealt with sensitively and confidentially. Where allegations are proven they will be dealt with under the Institute disciplinary procedure.

The penalty imposed will be appropriate to the gravity of the conduct involved and could result in the dismissal of the employee or student against whom a complaint has been proven. Any victimisation of an employee or student for reporting an incident, or assisting with an investigation of alleged harassment is a breach of equality legislation and will also be subject to disciplinary action. Please see the Institutes Equal Opportunities Guidelines.

Depending on the gravity of an allegation or allegations made, the Institute may opt to deal with the issue under the disciplinary procedure.

4 Complaints Procedure

4.1 *Progressing a Complaint*

A problem or potential problem should not be ignored. Any issue of concern should be brought to the attention of the Head of Department/Function or the Human Resources Manager. If the complaint made is serious the complainant should be aware that the Head of Department/Function or member of Human Resources may consider it their duty to commence an investigation if the complainant is not prepared to proceed with a formal complaint.

In making a complaint it is helpful to record any incidents – where, when, and what took place, any witnesses and copies of any written material.

4.2 *Informal Procedure*

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the parties involved.

Any person who believes they are being bullied or harassed should explain clearly to the alleged perpetrator(s) that the behaviour in question is unacceptable. In circumstances where a person finds it difficult to approach the alleged perpetrator(s) directly, he/she should seek help and advice, on a strictly confidential basis, from a contact person, such as:

- the supervisor or Head of Department/Function;
- any Head of Department/Function in the workplace;

In this situation the contact person should listen patiently, be supportive and discuss the various options available.

Having consulted with the contact person, the complainant may request the assistance of the contact person in raising the issue with the alleged perpetrator(s). In this situation the approach of the contact person should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

The complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure shall not reflect negatively on the complainant in the formal procedure.

4.3 *Formal Procedure*

If an informal approach is inappropriate or if after the informal stage the bullying or harassment persists, the following procedures should be invoked: -

- a) The complainant should make a formal complaint in writing to his/her immediate Head of Department/Function, or (if the complaint relates to that person), any member of Institute Management. The complaint should be confined to precise details of actual incidents of bullying, harassment or disrespectful behaviour.
- b) The alleged perpetrator(s) will then be notified in writing of the nature of the allegation made against them. They will be given a copy of the complainants' statement and advised that they will have a fair opportunity to respond to the allegation(s).
- c) The complaint will be subject to an initial assessment by a designated impartial member of Institute management, with a view to determining an appropriate course of action.

Such a course of action at this stage could be to explore a mediated solution or other means of resolving the issue informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place with a view to determining the facts and deciding on appropriate action including disciplinary action.

5. Investigation Procedure

- a) The investigation will be conducted by either a designated member or members of the Institutes management or, if deemed appropriate, an independent third party. The investigation will be conducted thoroughly, objectively, with sensitivity and with due respect for the rights of both the complainant and the alleged perpetrator(s). Confidentiality will be maintained to the greatest extent consistent with the requirements of a fair investigation.
- b) The alleged perpetrator will be given a copy of the complaint in writing setting out full details of the nature of the complaint and will be given an opportunity to respond.
- c) The investigator(s) will meet with the complainant and alleged perpetrator(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and alleged perpetrator(s) may be accompanied by a work colleague or student representative if so desired.
- d) Every effort will be made to carry out and complete the investigation as quickly as possible and where possible within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to management containing the findings of the investigation. If the complaint is upheld, the report will recommend whether the Letterkenny Institute of Technology's disciplinary procedure should be invoked.

- e) The complainant and the alleged perpetrator(s) will be informed in writing of the findings of the investigation.
- f) If the complaint is upheld, the alleged perpetrator(s) will be interviewed to determine an appropriate course of action. Such action could involve counselling and/or monitoring or progressing the issue through the disciplinary procedure.
- g) A complaint, which is not upheld by the formal investigation, does not necessarily indicate that the complaint was malicious and an employee or student must not be victimised for having made a complaint.

6. Disciplinary Procedure

Appropriate action will be taken to stop the harassment or bullying immediately and prevent its recurrence. Possible sanctions, within the terms of relevant legislation, may range from verbal warnings, written warnings, transfer, suspension, fine or dismissal and will be proportionate to the offence. Sometimes an apology and assurance of no recurrence will suffice. However, if a transfer is necessary every effort will be made to relocate the harasser, not the victim. Counselling will be encouraged for both the harasser and the victim.

7. Appeals Procedure

Both the complainant and/or the alleged perpetrator(s) will have the right of appeal to the President. The outcome of the investigation and/or the subsequent disciplinary action can be the basis of the appeal. This appeal must be lodged within 30 days of formal notification of either the outcome or subsequent action. An appeal may be heard by a nominee of the President.

For sources of further information and advice please refer to Section 8.o.

8. Sources for Further Information & Advice

Equality Authority, Clonmel Street, Dublin 2

Tel: (01) 4173336 Lo-Call: 1890 245545

e-mail: info@equality.ie; website: www.equality.ie

- **Code of Practice on Sexual Harassment and Harassment at Work**

Health and Safety Authority, 10 Hogan Place, Dublin 2

Tel: (01) 6147000; website: www.hsa.ie

- **Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying At Work**

ICTU, 31/32 Parnell Square, Dublin 1

Tel: (01) 8897777 website: www.ictu.ie

IBEC, 84/86 Lwr. Baggot Street, Dublin 2

Tel: (01) 6601011 website: www.ibec.ie

Labour Relations Commission

Tom Johnson House, Haddington Road, Dublin 4

Tel: (01) 6609662; website: www.lrc.ie

Paul Hannigan

PRESIDENT

LETTERKENNY INSTITUTE OF TECHNOLOGY