



# GRIFFITH COLLEGE

DIGNITY AND RESPECT AT WORK POLICY

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## DIGNITY AND RESPECT AT WORK POLICY

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## 1. INTRODUCTION

1.1 The College has developed the following policy and procedures for preventing bullying, harassment and sexual harassment in the workplace and for dealing with such complaints against members of staff or by members of staff which would include work associated events such as meetings, conferences and work-related social events, whether on the College premises or off-site.

As an equal opportunities and inclusive employer, Griffith College complies fully with all statutory and legal requirements supporting equality, diversity and inclusion in the workplace and this policy sets out the basis on which the College makes provision for these entitlements to be made available, as required, to its employees.

This policy follows the recommendations of a Government Task Force Report on Bullying in the Workplace and the following Codes of Practice issued under the [Safety, Health and Welfare at Work Act 2005](#), the [Industrial Relations Act 1990](#) and the [Employment Equality Acts 1998-2021](#) respectively:

- The Health & Safety Authority's (HSA) and the Workplace Relations Commission's (WRC) (joint) Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work
- The Irish Human Rights and Equality Commission (IHREC) Code of Practice on Sexual Harassment and Harassment at Work

This Policy also implements the College's Dignity and Respect Charter that can be found at:

<https://griffith.bamboohr.com/dashboard/announcement.php?id=33>

1.2 An allegation of bullying, harassment or sexual harassment made by or against a staff member including a Senior Manager or the most Senior College Manager will be dealt with under this policy.

1.3 Bullying, harassment and sexual harassment of staff by employees of other organisations, customers, suppliers, business contacts or learners will not be tolerated. Where there is a complaint against such persons, appropriate remedial measures will be taken to protect staff from being bullied or harassed including steps taken under this Policy, the Disciplinary Policy or in the case of persons who are not staff members or learners, appropriate measures including, but not limited to, exclusion from the campus or suspension or termination of business relationships. The staff members' direct line manager or above will ensure that the matter is dealt with in so far as possible given that such a respondent is not a College staff member. At all times the principles of natural justice and presumption of innocence will apply.



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1.4 If a non-staff member feels that they have been subjected to inappropriate behaviour by a staff member, they should bring the matter to the attention of the line manager of that staff member or to a senior member of their faculty, the Programme Director or Head of Faculty, and/or representatives from the college's Students' Union and/or learner support services, e.g., learner engagement officer, learner counselling.

1.5 References in this policy to a “**complainant**” are to a person who make an allegation of bullying, harassment and/or sexual harassment.

1.6 References in this policy to a “**respondent**” are to a person against whom allegation(s) have been made by a complainant.

## 2 POLICY STATEMENT

2.1 Staff members of the College have a right to be treated with dignity and respect. The College is committed to ensuring that staff can work in a positive and safe working environment which is free from all forms of bullying, harassment, and sexual harassment. **All staff have a duty to contribute to a positive and safe working environment both in their interactions with other staff members and their interactions with learners.**

2.2 Bullying, harassment and/or sexual harassment in any form is not acceptable and will not be tolerated, whether it is carried out by a member of staff, learner, service provider or member of the public interacting with staff in the College.

2.3 The College also has a separate Learner Dignity and Respect Policy (QAE J10) which each staff member should review and be familiar with. Appendix 1 of this policy sets out whether that policy or this policy should be followed. This will depend on the relevant interactions. **In this regard, staff members should ensure that all learners should be treated with dignity and respect and this includes interactions between staff members or between staff members and third parties that relate to learners.**

2.4 If it is determined that staff members have breached this policy or the Learner Dignity and Respect Policy (QAE J10) the College may invoke its Disciplinary Procedures (please refer to HR Disciplinary policy) which could result in sanctions up to and including dismissal.

2.5 Complaints by staff will be treated with fairness, sensitivity and in as confidential a manner as possible. A complainant's rights are protected under this policy and they will not be penalised for making a complaint in good faith.

2.6 The following persons shall not be victimised or subject to sanction (i) a person making a complaint or gives notice of intention to do so, (ii) a staff member who brings a matter of concern to a manager's attention (iii) a representative of the complainant (iv) a witness or (v) a person who has opposed an act of bullying or sexual



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harassment/harassment. Complaints of victimisation will be treated as allegations of misconduct on the part of the alleged respondent and will be dealt with through the Disciplinary Procedures. (please refer to the HR Disciplinary policy )

2.7 Raising a false or malicious allegation is a serious breach of this policy. 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 his or her 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. Complaints which are found to be malicious or vexatious will be treated as serious misconduct under the Disciplinary Procedures (HR Disciplinary Policy). This provision should not deter staff from reporting genuine complaints. Where a complaint is not upheld following Formal Investigation, this does not necessarily mean that the complaint is malicious or vexatious.

### 2.8 Confidentiality

Confidentiality will be observed in matters connected with any bullying, harassment and/or sexual harassment allegations, investigation and outcomes in so far as practical. The processes being followed under this policy are confidential internal College processes and for those participants who are employees of the College, the confidentiality obligations contained in their respective Contracts of Employment and the College's Confidentiality Policy shall apply. Participants who are not staff members or otherwise subject to the College's Confidentiality Policy, including representatives, may be required to agree to be bound by a confidentiality agreement in order to protect the confidentiality of the relevant process. If the College is not reasonably satisfied that confidentiality will be maintained by a representative, the College may request that another person be appointed as a representative.

This confidentiality extends after conclusion of an informal process, Mediation or Formal Investigation. Any persons (i.e. complainant, respondent, witness(s), investigator(s), other staff involved) found to be in breach of confidentiality will be dealt with through the Disciplinary Procedures.



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## 2.9 Contact Person

While staff members are free and encouraged to engage with their managers as provided for in this policy, the Human Resources Manager will act as a contact person who staff members may contact to express concerns, make complaints, seek to resolve issues, further understand the terms of this policy and the options available to the staff member. There may be circumstances may, from time to time or in the case of a potential conflict of interest, in which the College will refer the staff member to another member of the College's management team as a contact person.

2.10 Representatives - Both the complainant and the respondent have the right to be accompanied throughout interviews in the process by a representative or a College colleague or a family member provided this person is not directly involved in the complaint. It should be noted that neither the complainant nor the responded have no automatic right to bring a legal representative to any meetings arising from the process, and that such a right only arises in exceptional circumstances. If in doubt, advice should be sought from the HR Manager in this regard.

## 3 PURPOSE

3.1 The purpose of this policy is to prevent a culture of bullying, harassment and sexual harassment arising in the first instance. This policy is also designed to assure members of staff who are subjected to such behaviour that action will be taken to end such abusive and offensive behaviour. The policy outlines the internal procedures that should be followed in attempting to address issues of this nature and its key objective is to ensure that all reasonable efforts are made by managers to prevent such behaviour arising and to deal with complaints of bullying, harassment and/or sexual harassment. It also provides details on the structures that are in place to lend support and assistance to staff who are either making or are the subject of a complaint under this policy.

3.2 A complaint relating to a staff member's terms and conditions of employment should be dealt with through the Grievance Procedures which are available in the Employee Handbook.

## 4 WHAT IS BULLYING, HARRASSMENT AND SEXUAL HARASSMENT?

4.1 Bullying, harassment and sexual harassment can be broadly characterised as behaviours which are unwanted, unwelcome, intimidating or offensive to the recipient. It is the unwanted nature of the behaviour that distinguishes it from friendly behaviour which is welcome and mutual. The intention of the alleged respondent is irrelevant. It is for the complainant to determine to decide what behaviour is unwanted irrespective of the attitude of others.



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4.2 The effects of bullying, harassment and/or sexual harassment are varied. Individuals working in an atmosphere of intimidation and fear cannot perform to their capabilities.

4.3 Bullying, harassment and/or sexual harassment can be devastating and destructive for the victim, both in their work and personal life. It affects the physical and mental well-being of the victim. Loss of self-confidence, low self-esteem, stress and depression are just some of the health effects associated with long-term exposure to this behaviour.

4.4 Any act of bullying, harassment and/or sexual harassment can occur outside the work premises or normal working hours provided the respondent was acting in the course of employment, for example, at a training course, conference or work-related social event.

### 4.5 Bullying -Definition

For the purpose of this policy the definition of bullying is **repeated** inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a one-off incident, is not considered to be bullying. In such cases the complainant has the option of initiating the Grievance Procedures.

In line with the above definition, workplace bullying should meet the criteria of an on-going series of an accumulation of seriously negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way. Bullying behaviour is offensive, on-going, targeted and outside any reasonable 'norm'. A pattern and trend must be involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating. It 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.

### 4.6 What Bullying is Not

It is important to distinguish bullying from other inappropriate behaviours or indeed appropriate workplace engagement. As set out in the definition above, a once-off incident of bullying behaviour may be an affront to dignity at work and may be unsettling, but does not of itself make for an adequate level of distress as to fall within the definition of bullying, and other remedies should be sought for these scenarios. As a once-off, such behaviours cannot be presumed to be done in a targeted, purposeful and unremitting way.





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Apart from once-off behaviours, other on-going behaviours which may upset or unsettle a person may not come within the bullying definition either. Behaviour considered bullying by one person may be considered routine interaction by another, so the 'reasonableness' of behaviours over time must be considered. Disrespectful behaviour, while not ideal, is not of itself bullying. Conflicts and disagreements do not, of themselves, make for a bullying pattern either. There are various workplace behavioural issues and relationship breakdowns which are troubling, upsetting and unsettling but are not of an adequate level of destructiveness to meet the criteria required for a bullying case.

The following behaviour does not usually constitute bullying:

- the proper exercise of authority by managers
- ordinary performance management
- offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome
- reasonable and open corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing an employee's performance, attendance or general conduct and taking reasonable disciplinary actions, or assigning work) whether under existing College policies or the employee's Contract of Employment or otherwise
- expressing differences of opinion strongly
- workplace conflict where people disagree with or disregard the others' point of view.

### **4.7 Examples of Bullying**

Bullying activities involve actions and behavioural patterns, directly or indirectly, spoken and/or written and could include the use of cyber or digital means for the goal of bullying.

Behaviour that constitutes bullying may be physical, non-physical or verbal.

Physical forms of bullying may include (list is not exhaustive):

- shoving, jostling
- interfering with personal property or work station



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Non-physical and verbal forms of bullying may include (list is not exhaustive):

- belittling a person's opinion
- blaming a person for things beyond their control
- being treated less favourably than colleagues in similar roles
- pestering, spying or stalking
- withholding information necessary for proper performance of a person's job
- socially or otherwise excluding or isolating a person within the work sphere
- persistent unjustified criticism and sarcasm
- shouting at staff in public and/or private
- instantaneous rage, often over trivial issues
- making it difficult for staff to have access to necessary information
- unfair delegation of duties and responsibilities
- private or public humiliation, deliberate exclusion/ostracism
- repeated use of offensive language directed at an individual or individuals
- personal insults, such as name-calling, sneering, continued and deliberate staring
- repeated put-downs, offensive jokes
- repeated verbal abuse
- undermining a person's role, dignity or respect e.g. removing areas of responsibility and imposing menial tasks
- spreading malicious rumours, gossip or innuendo
- derogatory graffiti
- threatening, intimidating, obscene or menacing behaviour
- aggressive behaviour by supervisor, manager or colleague





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- unfair or unjust manipulation of one's workload including timetable
- higher levels of scrutiny or monitoring of an individual staff member work by comparison with others
- publishing material that is defamatory, abusive or offensive in relation to any staff member
- publishing material that might reasonably be expected to have the effect of damaging the reputation or professional standing of a staff member

In addition to in-person communications, the above actions may take place through other forms such as written communications, visual images, email, text messages and any electronic means of communication such as Social Media. Social Media is the collective term referring to social and professional networking sites and includes any future developments of such media.

#### 4.8 Harassment – Definition

For the purpose of this policy, the definition of harassment as outlined in the Employment Equality Acts 1998-2021 is “...any form of unwanted conduct, related to any of the nine discriminatory grounds and being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.”

Discrimination is defined in the Employment Equality Acts 1998-2021 as the treatment of a person in a less favourable way than another person was, is or would be treated on nine distinct grounds:

- Gender
- Age
- Disability
- Family status
- Civil status
- Membership of the Travelling community
- Race, ethnic origin or colour
- Religion
- Sexual Orientation



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The Employment Equality Acts 1998-2021 extended the definition of harassment to include discrimination which arises where one of the nine grounds are imputed to a person or where (a) a ground used to exist but no longer exists or (b) a ground may exist in the future or (c) a belief by a respondent that a person falls within one of the grounds (even if they do not) or (d) a person who is associated with another person, who falls within one of the grounds and is treated by virtue of the association, less favourably than another person due to this association.

The Employment Equality Acts 1998-2021 outlaw discrimination in the course of employment whether by an employer, another employee or by clients, customers, suppliers or business contacts of the organisation. Harassment may include (list not exhaustive):

- verbal harassment – jokes, comments, ridicule or songs
- written harassment – including text messages, email, social media, internet posts or notices
- physical harassment – jostling, shoving or any form of sexual or other assault
- intimidatory harassment – gestures, posturing or threatening poses
- visual displays such as posters, emblems or badges
- excessive monitoring of work
- unreasonable changes to a person’s job contents or targets, promotions, opportunities or remuneration
- isolation or exclusion from social activities
- pressure to behave in a manner that the employee thinks are inappropriate, for example, being required to dress in a manner unsuited to a person’s ethnic or religious background
- denigrating or abusing a person by reason of their gender or gender identity such as derogatory statements, abuse or insults which are gender or gender identity based

**Harassment** may consist of a **single incident or repeated** inappropriate behaviour.

### 4.9 Sexual Harassment – Definition

The Employment Equality Acts 1998-2021 outlaw sexual discrimination in the workplace in the course of employment whether by an employer, another employee or by clients, customers or business contacts of the organisation.



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For the purpose of this policy, the definition of sexual harassment as outlined in the Employment Equality Acts 1998-2021 will apply i.e.:

“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 the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or material.”

**Sexual Harassment** may consist of a **single incident or repeated** inappropriate behaviour. It applies to incidents of a sexual nature involving a woman, a man, individuals who are lesbian, gay, trans, intersex, otherwise gender non-binary or individuals who have another gender identity.

Sexual Harassment may include (list not exhaustive):

- sexual jokes, stories, comments, use of telephone (including text messages), or radio systems for inappropriate suggestive comments, unwelcome comments about dress or appearance;
- display of offensive pictures, slogans, graffiti, written suggestive materials, etc. through electronic mail through social media or otherwise (including a display of pornographic or sexually suggestive pictures or objects);
- asking personal questions, telling lies or spreading rumours about a colleague’s sex life;
- unwanted physical contact ranging from unnecessary touching to assault;
- stalking, indecent exposure, leering, whistling or making sexually suggestive gestures;
- persisting in unwelcome attempts to form or continue a relationship from which the consent of one party has not been given or has been withdrawn

## 5 RESPONSIBILITIES OF STAFF, MANAGERS AND SUPERVISORS

5.1 All staff share a responsibility for ensuring that the work environment is free from any form of bullying, harassment, and sexual harassment. This responsibility extends to an awareness of the potential impact of personal behaviour on others and how it may cause offence and/or result in them feeling uncomfortable or threatened.



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5.2 All staff must comply with this policy and ensure that their behaviour does not cause offence to fellow workers or any person with whom they come into contact in the course of their work.

5.3 Training is mandatory to support all managers, and staff in discharging their responsibilities regarding Dignity and Respect at Work.

5.4 Staff should confidentially inform a manager if they are concerned that a colleague is being bullied, harassed and/ or sexually harassed.

5.5 Staff should be prepared to co-operate fully with any informal process, mediation or formal investigation set up under this policy. Failure to do so may be dealt with under the Disciplinary Procedures.

5.6 Both the complainant of bullying, harassment and/or sexual harassment and the respondent are encouraged, but not obliged, to attend separate pre-Mediation sessions where appropriate with a Mediator nominated by the College in advance of a Formal Investigation being initiated.

5.7 The College has a vicarious liability in regard to bullying, harassment and sexual harassment matters. This means that the College may be held liable for the actions of a staff member in the course of their employment, regardless of whether these actions were carried out with the knowledge or approval of the College.

5.8 In order to eliminate any instances of bullying, harassment and/or sexual harassment it is critical that all staff attend Dignity & Respect at Work training as provided. It is the specific responsibility of **managers** to:

- familiarise themselves with this policy
- uphold it as an integral part of their work
- manage with integrity and fairness, maintain objectivity
- promote awareness of the policy among their teams
- communicate policy to staff and non-staff members
- be vigilant for signs of bullying, harassment and/or sexual harassment
- take necessary action in any instance where inappropriate behaviour is observed or brought to their attention
- provide good example by treating all in the workplace with dignity and respect
- respond promptly to complaints of bullying, harassment and/or sexual harassment



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- respond sensitively to a staff member who makes a complaint of bullying, harassment and/or sexual harassment
- respond sensitively to a staff member who is the respondent to a complaint of bullying, harassment and/or sexual harassment
- manage complaints of bullying, harassment and/or sexual harassment informally where appropriate;
- explain to a complainant the procedures they must follow if they wish the complaint to be formally investigated including an encouragement to him/her to attend a pre-Mediation session
- ensure, insofar as practicable, that (i) the complainant (ii) staff member who brings a matter of concern to their attention (iii) a representative of the complainant (iv) a witness or (v) a person who has opposed an act of bullying or sexual harassment/harassment are not victimised
- explain to a respondent their entitlement to fair procedures and the process which will be followed to allow them to present their explanation of the issues, including an encouragement, but not an obligation, to him/her to attend a pre-Mediation session.
- monitor and follow up situations after a complaint is made to ensure that it does not reoccur

5.9 Any manager or supervisor who is found to have acted in disregard to the above principles may be subject to disciplinary proceedings under the Disciplinary Procedures.

## 6 APPROACHES FOR DEALING WITH COMPLAINTS

6.1 The policy provides details of three approaches in the management of complaints of bullying, harassment and/or sexual harassment:

- 1) Informal
- 2) Mediation
- 3) Formal Investigation

6.2 Whilst it is the decision of the complainant in the first instance which approach to adopt in any particular situation, having regard to the following Codes of Practice:

HSA/WRC Code of Practice on the Prevention and Resolution of Bullying and Harassment at Work:



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[https://www.workplacerelations.ie/en/what\\_you\\_should\\_know/codes\\_practice/code-of-practice-for-employers-and-employees-on-the-prevention-and-resolution-of-bullying-at-work.pdf](https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/code-of-practice-for-employers-and-employees-on-the-prevention-and-resolution-of-bullying-at-work.pdf)

IHREC Code of Practice on Sexual Harassment and Harassment at Work:

[https://www.ihrec.ie/documents/code-of-practice-on-sexual-harassment-and-harassment-at-work-2/;](https://www.ihrec.ie/documents/code-of-practice-on-sexual-harassment-and-harassment-at-work-2/)

Staff are encouraged, but not obliged, to explore an informal and/or Mediation approach before initiating a Formal Investigation. However, if an issue is sufficiently serious or if it continues after the completion of the informal process or mediation then the College reserves the right to initiate a Formal Investigation into the matter.

6.3 Before deciding which course of action to take, if any, a staff member can seek advice and guidance on this policy in strictest confidence from the HR Manager.

6.4 The College encourages complaints to be made as soon as possible following incident(s) of alleged bullying, harassment and/or sexual harassment behaviour.

6.5 Notwithstanding that a complaint is in writing it can still be dealt with informally and/or through Mediation.

6.6 While the College will endeavour to conduct the relevant process within the timeframes or periods referred to in this policy or other timeframes or periods that are discussed and agreed by the parties, those timeframes or periods may need to change depending on, among other things, the complexity of the matter, the timely participation by the parties in the process, the availability of witnesses, the availability of third parties including a mediator or the input of any expert, professional, adviser or other external person that may be required.

6.7. For each process that is followed there must be procedural fairness throughout. This will include, but is not limited to, the complainant and the respondent being provided with the appropriate notice of the process and being furnished in advance with all relevant information and documentation (hard copy or electronic) that is being, or may be, relied on. Also, the parties should be afforded an opportunity to comment on assertions and responses made. No assumptions will be made about the culpability of the respondent during the course of any process. Further procedural accommodations may be required if either party has for example, a disability or, is a non-Irish national with limited English. For example, a person with an intellectual disability may require having an advocate appointed from the outset and engaged throughout the process. Further, a staff member who is a non-Irish national and who has limited English may require interpretative support to engage effectively in the process.



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6.6 In many instances' complaints of bullying, harassment and/or sexual harassment can be dealt with successfully on an informal basis. Often such incidents can be resolved amicably between the parties using an informal approach. In many instances, such an intervention should be sufficient to enable the respondent to see the offending behaviour from the complainant's perspective and no further action may be required. A staff member who feels subjected to bullying, harassment and/or sexual harassment should take the following actions:

- if you feel able, speak privately to the person you feel is bullying, harassing and/or sexually harassing you and make it clear that their behaviour is unacceptable and ask them to stop
- if you find it difficult or embarrassing to communicate directly with the person, you may request your line manager or, if preferred another manager or a colleague to speak to the person on your behalf
- approach any member of the HR Department or Counselling team <https://www.griffith.ie/offices/wellness-supports/counselling-team> for advice and guidance on this policy
- privately record all incidents of bullying, harassment and/or sexual harassment in writing, including time, date, and place. It may be of assistance to include a description of your feelings at the time.
- ascertain if there were any witnesses to the behaviour
- if possible, avoid situations where you may be alone with the alleged respondent

6.7 All managers are expected to encourage the resolution of complaints of bullying, harassment and/or sexual harassment informally. This will include meeting with the complainant to understand their concerns, meeting with the respondent to understand their perspective, meeting witnesses as may be deemed necessary to understand their perspective.

6.8 It is not the role of a manager who is endeavouring to manage a complaint informally to determine if bullying, harassment and/or sexual harassment took place, but rather, to make every effort to ensure that any inappropriate behaviour stops and where possible, ensure that the parties find an appropriate way of working together in the future.

6.9 The management of a complaint informally should be completed within a reasonable timeframe, as determined by factors such as the complexity of the case. Thereafter, if the informal approach is not effective in stopping the inappropriate behaviour, or if the incident is of a more serious nature, the matter should be given consideration by the complainant and the manager in the context of Mediation or a Formal Investigation.





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### MEDIATION

6.10 For the purpose of this policy, Mediation is carried out by a neutral, impartial and suitably qualified Mediator who will be appointed by the HR Manager. If no such person is employed by or contracted to the College and external Mediator will be appointed by the College.

6.11 An individual invitation to a pre-Mediation meeting will be given to the parties to the dispute by the HR Manager and they will be encouraged to attend. The purpose of this meeting is to determine whether a mediation session can take place. A pre-Mediation session usually involves the Mediator meeting with the complainant and the respondent, separately in the first instance, to explain Mediation, to discuss the substance of the complaint and to agree the Terms of Reference for Mediation. The Mediator will advise the HR Manager if both parties are willing to engage in Mediation. Both parties must also notify the HR Manager of their decision to accept or refuse the offer of the Mediation process

6.12 Mediation is a **voluntary and independent** process which cannot be imposed on parties. It is expected that both parties will reasonably consider Mediation as an option to resolve the complaint.

6.13 If the parties are willing to engage in Mediation, they will receive a formal invite from the HR Manager.

6.14 If the parties are not willing to engage in the Mediation process after the pre-Mediation session, it will not be progressed.

6.15 In circumstances where a respondent declines to engage in a pre-Mediation session, the complainant reserves the right to proceed to formal investigation without further recourse to the respondent.

6.17 **Mediation** involves the Mediator, bringing both parties together to discuss their areas of concern. The Mediator facilitates this process without offering solutions, taking sides or making a judgement. The Mediator assists each party to explain the problem to the other party as they see it, with a view to reaching a common understanding and agreement on acceptable future behaviour.

6.18 The objective of Mediation is to resolve matters speedily and confidentially without recourse to a formal investigation and with minimum conflict and stress for the individuals involved.

6.19 The purpose of Mediation is to improve communications, clarify outstanding issues, calm emotions and identify areas of agreement.

6.20 Mediation can end at any stage if either party decides to do so. To work effectively, Mediation requires the voluntary co-operation of both parties. It is a process that belongs to the parties as they are in control of the content and the outcome.



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6.21 Mediation usually takes no more than two-three sessions, although certain complaints may take longer to mediate. If an external Mediator is appointed, the process will generally take four (4) to eight (8) weeks to complete

6.22 If Mediation is successful, a confidential Mediation Agreement will be provided by the Mediator to the parties. The Mediator will then notify the HR Manager that Mediation was successful who will in turn advise the manager(s) of the parties.

6.23 The contents of a Mediation process and any Mediation Agreement are kept confidential to the parties involved. There is no disclosure of the details of the process or Mediation Agreement to the HR Manager or to the manager(s) of the parties unless, with the agreement of the parties, this is necessary to implement the terms of the Mediation Agreement.

6.24 A Mediation Agreement will not result in the issues being dealt with under the Disciplinary Procedures.

6.25 If there is an alleged breach of a Mediation Agreement, either party may notify their manager or the HR Manager for further redress through the Mediator.

6.26 If Mediation is unsuccessful or a breach of the Mediation Agreement cannot be resolved, the Mediator will notify the HR Manager.

The complainant may then seek to have the matter resolved through a Formal Investigation.

6.27 Any information exchanged during the Mediation process remains strictly confidential and cannot be disclosed as part of a Formal Investigation.

6.28 Mediation does not affect the rights of a complainant or respondent.

### FORMAL INVESTIGATION

#### The Complaint

6.29 A complainant who wishes to make a complaint against a member of staff or member of the public interacting with staff in the College, and to have it formally investigated, must make their complaint to the HR Manager by way of a Formal Complaint Form (Appendix 2).

6.30 Where the complaint is against the HR Manager, that complaint should be submitted to the most senior HR or other Director in the College.

6.31 The Formal Complaint Form must be completed in full.



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6.32 Where a complaint is against more than one individual, a separate Formal Complaint Form must be submitted to protect the rights of each respondent to confidentiality. The Formal Complaint Form will be shared with the respondent when received.

6.33 The HR Manager will acknowledge the complaint. The complainant will be reminded that:

- prior to a Formal Investigation being initiated, it is strongly recommended that they attend a pre-Mediation session with a Mediator and that a pre-Mediation session can be arranged as soon as possible
- their line manager and senior manager will be informed of the complaint
- a copy of the Formal Complaint Form will be provided to the respondent.

### **Preliminary Screening**

6.35 **Preliminary Screening** is a process for deciding if the alleged behaviour, which is the subject of the complaint and has not been resolved through Mediation or informal means, falls within the definition of bullying, harassment and/or sexual harassment as outlined in section of this policy.

The rationale for Preliminary Screening is that some complaints of bullying, harassment and/or sexual harassment may not meet the requirements of the definitions.

6.36 Preliminary Screening will be carried out by the HR Manager (or another member of HR who may be delegated to carry out the task). They will analyse the Formal Complaint Form and decide whether or not it is appropriate to progress it under this policy. The Preliminary Screening will initially be based on the written details of the complaint as set out by the complainant. The key criteria for making the decision is whether, the allegation(s) were to be substantiated, could they meet the relevant definition as described in the policy. If considered necessary a legal opinion may be sought as part of the decision-making process.

6.37 Before deciding, the HR Manager (or another member of HR who has been delegated to carry out the task), may meet with the complainant to discuss the nature of the complaint. Such a meeting does not constitute part of the investigation process or prejudice any future outcome. The complainant will be notified in writing of the outcome of the Preliminary Screening by the HR Manager (or by another member of HR who may be delegated to carry out the task).

6.38 If the HR Manager (or another member of HR who has been delegated to carry out the task), is of the view that there may be insufficient grounds for a Formal Investigation, legal opinion will be sought before any decision is made. If legal opinion supports the view, the HR Manager (or another member of HR who has been delegated to carry out the task) will meet with the complainant on the reasons why. Representations from the complainant



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and/or their representatives will be considered before a decision not to proceed is confirmed. If confirmed, alternate ways to resolve the complaint(s) will be explored if possible.

6.39 If the decision to begin a Formal investigation is taken, the HR Manager will initiate the Formal Investigation process. Consideration will be given as to whether the start of the Formal Investigation can impact on any other process which may be commencing, or have commenced, involving any parties to the complaint, e.g. Disciplinary Procedures.

### **Formal Investigation Preparations**

6.40 Where a Formal Investigation is proceeding, the HR Manager will:

- advise the complainant in writing that a Formal Investigation will be set up as soon as possible and that their line manager and senior manager will be advised accordingly
- advise the respondent in writing that a complaint has been made, that a Formal Investigation will be set up as soon as possible and that their line manager and senior manager will be advised accordingly
- provide a copy of the Formal Complaint Form to the respondent and a copy of this policy
- appoint one or two Investigator(s)
- provide a copy of the Formal Complaint Form to the Investigator(s) and a copy of this policy
- provide Terms of Reference for the Formal Investigation to the complainant, respondent and Investigator(s) following their appointment
- provide contact details for the complainant and respondent to the Investigator(s)

6.41 In the interests of natural justice both the complainant and the respondent will be informed of their right to be accompanied to all interviews by a College colleague or a family member. The Confidentiality clause at 2.8 of this policy will apply to any such person.

6.42 The College may, at its discretion, either appoint up to two independent, members of the College's management or an external person to conduct the Formal Investigation. The appointment of an external investigator may take up to four (4) to six (6) weeks.

### Formal Investigation Procedures

#### **6.42 Stage 1 - Engagement with Complainant Prior to Interview**



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Before confirming the arrangements for the interview with the complainant, the Investigator(s) will ensure that the complainant understands (or knows where they may obtain the necessary information regarding) the following aspects of the investigation procedure:

- the requirement to conduct an interview to discuss their complaint
- the right to be accompanied at interview by a College colleague or a family member provided this person is not directly involved in the complaint;
- their right to ask questions, in person, of other parties to the Formal Investigation in order to clarify matters of concern to them, in so far as appropriate and practicable.

There is no obligation on the Investigator(s) to meet in person with other parties who are not required for the purposes of carrying out the investigation

- that the Investigator(s) has a key role in ensuring that the meeting of the parties is carried out in a productive and effective manner. If the Investigator(s) wishes to have a meeting with all parties at the same time, they may do so, however if such meeting(s) become counter-productive they will conclude the meeting(s) and revert to exchange of information in separate meeting(s)
- the right to avail of the COUSNELLING TEAM at any point during the Formal Investigation
- that confidentiality and discretion will be observed in all matters connected with the Formal Investigation of the complaint raised, insofar as is practicable
- that any persons (i.e. complainant, respondent, witness(s), investigator(s), other staff involved) found to be in breach of confidentiality relating to a Formal Investigation will be dealt with through the Disciplinary Procedures
- the prohibition on making any contact, directly or indirectly, with the respondent or any potential witness on any matter related to the complaint, and that any breach may result in disciplinary action

### 6.43 Stage 2 Complainant's Interview

The interview shall begin with advising the complainant that the purpose of the investigation is to establish whether, on the balance of probability, a complaint is substantiated or not in accordance with the Terms of Reference. This will be achieved by conducting a thorough interview of the complainant in order to elicit and fully clarify the facts behind the complaint.

The allegation(s) as documented in the Formal Complaint Form, should be verbally described clearly.



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The Investigator(s) shall try to confirm:

- what occurred
- who was involved
- when the incident(s) occurred
- where the incident(s) occurred
- who, if anyone, witnessed the incident(s)
- and any other supporting evidence

The Investigator(s) shall:

- allow the complainant and/ or a College colleague and/or a family member an opportunity to raise all matters which they deem relevant to the Formal Investigation and which they wish to have considered in relation to the complaint
- keep comprehensive and legible notes of questions put to the complainant and of answers given and of submissions and representations made by the complainant and/or their representative during the course of the interview
- compile a note of the interview after its conclusion
- explain that notes are prepared in relation to each allegation made and sent to the interviewee with a timeframe for return. Minor changes may be accommodated. If after two attempts the notes have not been signed off, dissention may be recorded but the note stands and the investigation proceeds
- explain that notes of the interview are provided to the respondent in advance of their interview with the Investigator(s) so that they can respond in full to the allegations made
- explain that the complainant will be afforded an opportunity to respond to the notes of the interview with the respondent
- explain that the Investigator(s) may meet with the complainant and the respondent on a second occasion to check facts and discrepancies in accounts with each prior to drawing final conclusions
- advise that a record of witness statements (if any) will be passed to both the complainant and the respondent





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- explain that they will be given an opportunity to comment on the draft Investigation Report, including agreed notes of interviews, prior to it being finalised and sent to the HR Manager and that comments should be provided within seven working days
- explain how a decision on the outcome of the Formal Investigation will be notified i.e. by letter to the complainant, respondent from the HR Manager.

### 6.45 Stage 3 – Engagement with Respondent Prior to Interview

Within two weeks of the interview with the complainant, the interview with the respondent will take place. In the course of making arrangements for the interview, the Investigator(s) will ensure that the respondent understands (or knows where they may obtain the necessary information regarding) the following aspects of the investigation procedure:

- the requirement to conduct an interview to discuss the complaint
- the right to be accompanied at interview by a College colleague or a family member, provided this person is not directly involved in the complaint; under no circumstances may the respondent be accompanied to interviews by a family member
- ask whether other forms of corroborative evidence may be available, such as supporting documentation, files or records deemed to be appropriate to the investigation
- their right to ask questions, of other parties to the Formal Investigation in order to clarify matters of concern to them, in so far as appropriate and practicable. There is no obligation to meet in person with other parties
- that the Investigator(s) has a key role in ensuring that the meeting of the parties is carried out in a productive and effective manner. If the Investigator(s) wishes to have a meeting with all parties at the same time, they may do so, however if such meeting(s) become counter-productive they will conclude the meeting(s) and revert to exchange of information in separate meeting(s)
- the right to avail of the COUNSELLING TEAM at any point during the investigation
- that confidentiality and discretion will be observed in all matters connected with the investigation of the complaint, insofar as is practicable
- that any persons (i.e. complainant, respondent, witness(s), investigator(s), other staff involved) found to be in breach of confidentiality relating to a Formal Investigation will be dealt with through the Disciplinary Procedures





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- the prohibition on making any contact, directly or indirectly, with the complainant or any potential witness on any matter related to the complaint, and that any breach may result in disciplinary action
- where a respondent refuses to contribute to and/or participate in the process, the Investigator(s) will note the non-cooperation and/or non-participation. The Formal Investigation will continue and a recommendation will be made on the basis of the information available and the non-cooperation and /or non-participation will be noted in the Investigation Report

## 6.46 Stage 4 – Respondent’s Interview

The interview shall begin with advising the respondent that the purpose of the Formal Investigation is to establish whether the purpose of the Formal Investigation is to establish whether, on the balance of probability, a complaint is substantiated or not in accordance with the Terms of Reference. This will be achieved by conducting a thorough interview of the respondent in order to elicit and fully clarify the facts behind the complaint in accordance with the Terms of Reference for the Formal Investigation.

The Investigator(s) shall:

- put to the respondent all of the allegations that the complainant has made about their behaviour
- allow the respondent and/or their representative and/or a College colleague an opportunity to raise all matters which they deem relevant to the Formal Investigation and which they wish to have considered in relation to the complaint
- ask whether other forms of corroborative evidence may be available, such as supporting documentation, files or records deemed to be appropriate to the investigation
- keep comprehensive and legible notes of questions put to the respondent and of answers given and of submissions and representations made by the respondent and/or their representative in the course of the interview
- compile a note of the interview after its conclusion
- explain that notes are prepared in relation to each allegation made and sent to interviewee with a timeframe for return. Minor changes may be accommodated. If after two attempts the notes have not been signed off, dissention may be recorded but the note stands and the investigation proceeds.
- explain that notes of the interview are provided to the complainant so that they can respond in full to the response made



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- explain that they may meet with the complainant and the respondent on a second occasion to check facts and discrepancies in accounts with each prior to drawing final conclusions
- advise that a record of witness statements (if any) will be passed to both the complainant and the respondent
- explain that they will be given an opportunity to comment on the draft Investigation Report, including agreed notes of interviews, prior to it being finalised and sent to the HR Manager and that comments should be provided within seven working days
- explain how a decision on the outcome of the Formal Investigation will be notified i.e. by letter to the complainant, respondent and, if applicable, their nominated representative from the HR Manager.

## 6.46 Stage 5 - Other Interviews

Interviews with witnesses will be used to establish whether corroborative evidence of any nature is available. The Investigator(s) will conduct interviews with any person who may have any information which could assist in the Formal Investigation. Prior to conducting interviews with witnesses, the Investigator(s) will ensure that each receives a letter informing them of the Formal Investigation and inviting them to assist the inquiry. In the course of confirming arrangements for the/each interview, the Investigator(s) will ensure that the witness understands (or knows where they may obtain the necessary information regarding) the investigation procedure, and in particular:

- that they are entitled to be accompanied at interview by a representative or a College colleague as long as they are not directly involved in the investigation
- the right to avail of the COUNSELLING TEAM at any point during the Formal Investigation.
- that they may contact the Investigator(s) to discuss the planned interview if further or more specific information is required
- that a record of the interview will be passed to both the complainant and the respondent
- the prohibition on making any contact, directly or indirectly, with the complainant, respondent or any other potential witness on any matter related to the complaint, and that any breach may result in disciplinary action.

The interview will be conducted on the lines of the process set out above for the complainant and respondent interviews. The Investigator(s) may decide, if they see fit, to:

- interview colleagues of the complainant with whom the witness indicates they discussed the situation prior to the commencement of the Formal Investigation



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- seek to contact others who may have witnessed the alleged bullying, harassment and/or sexual harassment but have not been named by the complainant and/or the respondent (e.g. colleagues who were on duty at the same time(s) and location(s) where the bullying, harassment and/or sexual harassment is alleged to have taken place)
- ask whether other forms of corroborative evidence may be available, such as supporting documentation, files or records deemed to be appropriate to the investigation

### DEADLINE

#### 6.47 Stage 6 - Re-Interview

If appropriate, the Investigator(s) may re-interview the complainant and/or a respondent or witness if new, relevant information becomes available or if clarity on, or confirmation of, any issues is required.

The Investigator(s) should:

- put the new or further evidence to each party for comment
- allow each party and/or their representative an opportunity to make any final representations which they deem relevant
- keep comprehensive and legible notes and compile and finalise a record of each interview in accordance with the procedure previously set out
- advise the parties that copies of interview records may be made available to the other parties
- explain how a decision on the outcome of the Formal Investigation will be notified i.e. by letter to the complainant, respondent and, if applicable, their nominated representative from the HR Manager.
- advise the parties of the mechanism by which a decision on the outcome of the Formal Investigation will be notified, i.e. by way of a letter to complainant, respondent and copied. Re Interviews will be conducted on the lines of the process set out above for the complainant and respondent interviews.

If requested and the Investigator(s) considers it is justified, an additional meeting may be agreed to.

6.48 On completion of the Formal Investigation, a draft of the full Investigation Report, including all agreed notes and relevant documentation, determining whether an allegation of bullying, harassment and/or sexual harassment has, on the balance of probability, been substantiated or not will be prepared. The Investigation Report will be forwarded to the HR Manager for review before it is distributed by that manager to the parties.



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6.49 If there are significant concerns over the appropriateness of the Investigation Findings, the HR Manager may seek legal opinion before sharing the Investigation Report. Ultimately the College reserves the right to set aside the Investigation Findings if judged on legal grounds to be substantially flawed and/or they are not considered to be justified by the facts. All parties will be notified and a de-novo Formal Investigation may be started.

6.50 The Investigation Report will be initially be issued to the parties in draft form. Each of the parties will have two (2) weeks to make any comments on the draft Investigation Report should they wish to do so. Those comments will be considered by the Investigator(s) before the Investigation Report is finalised.

## General Principles of a Formal Investigation

6.51 While the circumstances may be difficult, both the complainant and the respondent will be expected to continue with the normal duties and maintain a professional working relationship during the course of a Formal Investigation. In exceptional circumstances, the College may agree to a request from a complainant, or respondent, that they transfer to another area of work during the course of a Formal Investigation. In serious allegations of bullying, harassment and/or sexual harassment, where a transfer to another department is not possible or inappropriate, the staff member (s) may be suspended on full pay pending an investigation. If approved, such a transfer must be acknowledged to be without prejudice to the rights of both parties, natural justice and the presumption of innocence. Where a transfer request is not approved, the complainant and the respondent may be expected to continuing engaging with each other. Arrangements may be put in place locally to manage such situations, for example, email communication only. Such arrangements are made on a without prejudice basis. In serious allegations of bullying, sexual harassment etc, consideration should be given for a staff member to be suspended on full pay pending an investigation, where a transfer to another office is not possible or inappropriate

6.52 Managers will have due regard at all times for their obligations to safeguard the health, safety and welfare of staff during the investigation process.

6.53 Interviews will be held at neutral College venues.

6.54 An Investigator(s) will only use material which is in line with this policy. Specifically, the range of Investigation Findings is limited to “Substantiated” or “Not Substantiated” in relation to allegations of bullying, harassment and/or sexual harassment. Reasons for the Investigation Findings will also be given.

6.55 An Investigator(s) may, at their discretion, avail of expert advice/assistance at any point during the Formal Investigation.



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6.56 A Formal Investigation should, where practicable, conclude within eight (8) weeks from when the Investigator(s) has commenced the investigation, but depending on the circumstances, this may not always be possible. Lack of co-operation with/or obstruction of a Formal Investigation may be treated as a disciplinary matter.

6.57 Where a Formal Investigation takes, or is likely to take, longer than eight (8) weeks due to the complexity of the issue and/or operational constraints, the Investigator(s) must document the reasons why and provide these to the HR Manager. The parties will then be notified of the further period required.

6.58 If the complainant or respondent involved in the Formal Investigation is absent from work due to sick leave, they may be referred to an Occupational Health Practitioner nominated by the College in order to ascertain if they are fit to participate in the process. In circumstances where one of the parties is deemed temporarily unfit to participate, the process may be paused. Prolonged medical unfitness of a complainant or respondent to take part in the process may result in an outcome being decided on the basis of whatever information is available to the Investigator(s).

6.59 Line managers/senior managers will be informed of the outcome by the HR Manager in so far as is necessary but will not receive a copy of the Investigation Report.

## 7 APPEAL

7.1 Both the complainant and respondent have the option to seek an appeal of the Investigation Findings if they believe there are reasonable grounds to do so. If an Appeal is made it must be submitted in writing on the Appeal Form (Appendix 3), within 10 working days of receipt of the Investigation Report to the HR Manager. It must clearly state the specific grounds for the Appeal.

The Application to Appeal Form must detail the process and/or procedural reasons why the Appellant considers the outcome of the Formal Investigation to have been flawed.

The HR Manager will advise that other party in writing that an Appeal has been received. The HR Manager in consultation with another Senior Manager within the College nominated by the HR Director, will review the specific grounds for the Appeal and decide whether it is considered that they justify an Appeal Investigation taking place. If necessary legal advice may be sought if it is considered that some or all of the grounds do not justify an Appeal taking place. The Appellant will be consulted and advised of the legal advice if it is decided that there is no basis for an Appeal. Representations from the Appellant and/or their representatives will be considered before such a decision is confirmed.



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7.2 An Appeal Investigation may be carried out by either two internal Appeal Investigators or an external Investigator(s) at the discretion of the College. One of the two people will act as Chair.

7.3 The Appeal will be conducted by reviewing the Investigation Report and the Appeal Form. The Appeal Investigator(s) can at their sole discretion decide to meet with the parties if they consider it is necessary in order to clarify some aspects of the Investigation Report or the Appeal Form. The notes of those meeting(s) will be shared with the other party. It is not the role of the Appeal Investigator(s) to re-investigate complaints made. Their role is to determine whether the actions taken by the original Investigator(s) was procedurally and substantively fair. Appeal Investigator(s) may, at their discretion, avail of expert advice/assistance at any point during the Appeal Investigation.

7.4 An Appeal Investigation Report will be prepared and sent to the HR Director who will review the outcome with the HR Manager before it is shared with the parties.

7.5 If there are significant concerns over the appropriateness of the Appeal Investigation Findings, the HR Director and the HR Manager may seek legal opinion before sharing the Appeal Investigation Report. Ultimately the College reserves the right to set aside an Appeal Investigation Findings if judged on legal grounds to be substantially flawed and/or they are not considered to be justified by the facts. All parties will be notified and a de-novo Appeal Investigation may be started.

## 8 ACTION ARISING FROM CONCLUSION OF A FORMAL INVESTIGATION / APPEAL

8.1 If the Appeal upholds the initial Investigation Findings that a complaint is substantiated, that is, if it is concluded that on the balance of probability bullying, harassment and/or sexual harassment has taken place, the parties will be told that the HR Disciplinary Policy (Policy 24) will be invoked against the respondent by the HR Manager.

8.2 If a complaint is not substantiated, that is, if it is concluded that on the balance of probability bullying, harassment and/or sexual harassment has not occurred, the matter will be considered to be closed by the HR Manager unless there is evidence by the Investigator (s) to support a view that the complaint was malicious or vexatious. In such circumstances, the Disciplinary Procedures will be invoked against the complainant by HR Manager.

8.3 The Disciplinary Procedures will be progressed to completion in the normal course and will not be delayed or suspended should the staff member concerned already be or subsequently come under disciplinary notice on any other matter during the relevant time.





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8.4 Disciplinary action if taken will be in line with the Disciplinary Procedures. Records of any warnings for bullying, harassment and/or sexual harassment will remain on the staff member's file and will be used in determining action to be taken if any further offences of the same or similar nature occur within the warning period.

8.5 Counselling will continue to be available to the parties if required, through the Counselling team after the conclusion of the Disciplinary Procedures.

8.6 The HR Manager will be responsible for informing the complainant/respondent (as appropriate) and, if applicable, their legal representative whether disciplinary action has been taken but not the detail of the particular sanction. Line managers/senior managers (as appropriate) will be informed of the outcome by the HR Manager in so far as is necessary but not the detail of the particular sanction.

8.7 Confidentiality of the Disciplinary Procedures will be respected by all parties as appropriate.

## 9 POST FORMAL INVESTIGATION / APPEAL

9.1 Once the complaint has been dealt with, and appropriate disciplinary action taken where necessary, arrangements will be put in place by the HR Manager to minimise the risk of re-occurrence of the behaviour that led to the allegation(s) and the Investigation. The line managers of the parties to the dispute are required to notify the HR Manager immediately if any subsequent incident occurs that requires an intervention. In certain situations, it may be appropriate to reach agreement with the parties on modified ways of working such that both can carry out their work responsibilities with minimal personal interaction.

9.2 Where a complaint has been upheld, regular checks will be made by the line manager, or other manager if necessary, of the complainant to ensure that, the bullying, harassment and/or sexual harassment has stopped.

9.3 Retaliation of any kind against anyone who takes part in an investigation into bullying, harassment and/or sexual harassment at work is a serious disciplinary offence.

## 10 SUPPORT SERVICES

10.1 The College offers its employees a Counselling service which is a free and confidential counselling and information service. While the service is confidential, you will be required to identify that you are a College staff member, however, this will not be communicated back to the College

## 11 RECORDS

11.1 All investigation material, and where applicable, disciplinary material will be retained, on a strictly confidential basis, by the HR Manager.





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11.2 The HR Manager will securely retain material relating to Dignity and Respect at Work which may be anonymised to be used for compiling statistical and management information purposes. This material may also be used to monitor the operation of this policy and any modifications which may be required.

## 12 GENERAL PROVISIONS

12.1 The College will take all reasonable steps to ensure that Dignity and Respect at Work matters are handled with sensitivity and with due regard to the rights and responsibilities of all parties under this policy.

12.2 In circumstances where a complaint is not upheld, a change of work location for either or both parties, if requested, will be considered by management, where practicable.

12.3 Any counter allegation will be treated as a separate complaint. The Formal Investigation procedures as detailed above will apply in every regard.

12.4 This policy aims to ensure that any allegations of bullying, harassment and/or sexual harassment can be resolved within the College. However, it is a statutory right of every individual, should they wish to do so, to make a complaint under the Employment Equality Acts 1998 - 2021 or the [Industrial Relations Acts 1946-2001](#). Advice on how to process a complaint in this way should be obtained from the Equality Authority.

12.5 This policy will be reviewed and may be amended by Human Resources in line with operational experience, changes in the legislation, relevant case law and other developments.

## 13 COMMUNICATION

13.1 The College is committed to taking positive measures to educate all staff on bullying, harassment and sexual harassment and the effects of this type of behaviour. Our commitment is to bring the policy to the attention of managers, staff, customers, clients and other business contacts.

This will be achieved by:

- awareness training for new staff at Induction;
- training managers on how best to promote a positive working environment, their responsibilities under this policy and dealing with complaints;
- publishing the policy on the intranet
- displaying Dignity and Respect at Work Code of Behaviour posters throughout each campus.



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- ensuring that persons who are not learners or staff members are aware of this policy and the consequences of not complying with its terms

**THE CODES OF PRACTICE RECOMMENDS THAT LEAFLETS OR OTHER NOTICES SUMMARISING THE KEY PROVISIONS OF THE POLICY ARE PROMINENTLY DISPLAYED AND THAT THIRD PARTIES ARE MADE AWARE THAT STAFF CAN MAKE COMPLAINTS AGAINST THEM. FURTHER IT RECOMMENDS THAT CONTRACTS WITH THIRD PARTIES SPECIFICALLY REQUIRE THEM TO COMPLY WITH COLLEGE POLICIES INCLUDING THIS POLICY]**



# GRIFFITH COLLEGE

DIGNITY AND RESPECT AT WORK POLICY

## Appendix 1 Guidance on the Dignity and Respect at Work Policy

The table below outlines the appropriate policy and process to be followed and the initial point of contact for dealing with dignity and respect matters (see Learner Dignity and Respect Policy QAE J10, QAE Manual).

Complainant	Respondent	Policy	Contact Person
			Complainant should in the first instance raise their concern with one of the following:
Learner	Learner	Learner Dignity and Respect Policy (QAE J10)	A senior member of their faculty staff, e.g., Programme Director, Head of Faculty Learners' Union representatives Member of learner support services, e.g., learner engagement officer, learner counselling
Staff	Learner	Learner Dignity and Respect Policy (QAE J10)	Complainant's Line Manager or Head of Faculty
Learner	Staff	Dignity at Work (HR Policies and Procedures)	Staff member's Head of Faculty or Line Manager (if known) A senior member of their own faculty staff Learners' Union representatives Member of learner support services, e.g., learner engagement officer, learner counselling
Staff	Staff	Dignity at Work (HR Policies and Procedures)	Complainant's Line Manager or HR Manager, or a member of the College's Management Board



# GRIFFITH COLLEGE

DIGNITY AND RESPECT AT WORK POLICY

## Appendix 2 Dignity & Respect at Work

### Formal Complaint Form

- This form is to be completed in line with Griffith College Dignity & Respect at Work policy and procedures.
- If your complaint is against more than one person, please fill out a separate form for each person.
- Please submit this completed form to the HR Manager

#### 1. Complainant Details (The person making the complaint)

Name		Job Title	
Staff Number (if applicable)		Faculty /Department	
Email address		Phone number	

#### 2. Respondent Details (The person whom the complaint against)

Name	
Job Title	
Faculty/Department	

#### 3. Nature of the Complaint (Tick one or more)

Bullying	Sexual Harassment	Harassment



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#### 4. Personal Statement

Please complete the following table with as much detail as possible of the complaint.

<b>1. Incident 1</b>	
<i>Note: 2-5 must be completed for each incident.</i>	
<b>2. Locations, dates and times:</b>	
<b>3. Factual description of specific incident(s) including direct quotes, if they can be recalled:</b>	
<b>4. Names of Witnesses:</b>	
<b>5. List of supporting documentation, physical evidence, if any:</b>	



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<b>1. Incident 2</b>	
<i>Note: 2-5 must be completed for each incident.</i>	
<b>2. Locations, dates and times:</b>	
<b>3. Factual description of specific incident(s) including direct quotes, if they can be recalled:</b>	
<b>4. Names of Witnesses:</b>	
<b>5. List of supporting documentation, physical evidence, if any:</b>	

Signed:

Date:

\_\_\_\_\_   
Complainant

## For Human Resources Use Only

Date Received:

Signed





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## Appendix 3 Dignity and respect at work Appeal Form

- This form is to be completed in line with Griffith College Dignity & Respect at Work policy and procedures.
- Please submit this completed Appeal Application Form to the HR Manager

### Appellant Details

Name		Job Title	
Staff Number (if applicable)		Faculty /Department	
Email address		Phone number	



# GRIFFITH COLLEGE

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## Specific Grounds for Appeal

Please complete the following table with specific details of the grounds for appeal.

<b>Specific procedural ground(s) for Appeal</b>	
<b>Other reason(s) for why the Appeal was unfair</b>	

Signed:

Date:

\_\_\_\_\_   
Appellant

## For Human Resources Use Only

Date Received:

\_\_\_\_\_

Signed:

\_\_\_\_\_   
HR Manager