



Waterford Institute of Technology

INSTITIÚID TEICNEOLAÍOCHTA PHORT LÁIRGE

Dignity & Respect Policy

Professor Kieran R. Byrne, Director WIT

The Governing Body of W.I.T. is fully committed to this dignity & respect policy and we are pleased to present it to all students and staff. The purpose of this policy is to create a positive working and study environment.

Dignity & respect is an integral part of the Institute's overall policy and must therefore be observed by all staff and students.

This policy was first launched in March, 1996 as an Equal Opportunities Policy. It has been revised and renamed to incorporate a number of changes. These changes have been necessitated by:

- Legislation: The Employment Equality Acts, 1998 & 2004 and the Equal Status Act, 2000
- Experience: Some changes have been made to our procedures in order to reflect our experiences in dealing with issues over the last number of years

The key revisions to the policy are:

1. The widening of the grounds of discrimination to nine categories, namely, gender, marital status, religious belief, sexual orientation, family status, age, disability, race, and membership of the Traveller community.
2. The revision of Section C to include all forms of harassment and not just sexual harassment which was the focus of the original policy.
3. The expansion of options/routes for the resolution of complaints.

The policy is presented in three main sections:

- Section (A) deals with the development of awareness among all participants in the educational process of the need to promote dignity & respect opportunity for students and staff.
- Section (B) deals with the obligations of the Institute as an equal opportunities employer and as a provider of vocational services.
- Section (C) deals with Bullying & Harassment procedures and remedies

This policy has been developed by the WIT Management in conjunction with Designated Contact Persons (DCP's) and all unions. The policy has been approved by the Governing Body of the Institute. The HR Manager and the Equality Officer are responsible on behalf of the Director for overseeing its implementation.

Signed by

Director

Date: January, 2006

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Section (A)

DEVELOPMENT OF AWARENESS OF THE NEED TO PROMOTE DIGNITY AND RESPECT FOR STAFF AND STUDENTS

- (1) The Institute undertakes to develop awareness among all participants in the educational process of the need to promote dignity and respect for all staff and students. This will involve senior management, staff and students.

Strategies to achieve this goal will include:

- (a) encouraging the eradication of stereotyping and discrimination through a co-ordinated action plan to raise awareness of these issues,
 - (b) setting up a programme of obligatory staff development which will ensure that individual employees:
 - are obliged to co-operate with any measures introduced by the Institute to promote equal opportunity;
 - must not themselves, either directly or indirectly, discriminate against any fellow employees, job applicants or students or harass or intimidate them in any way;
 - must not prevail upon management, trade unions or colleagues to practice discrimination or act in any way which is contrary to the spirit of the policy.
 - (c) providing assertiveness, stress management training and other relevant supports for staff to enable them to interact with greater confidence with staff and students
- (2) In accordance with the Employment Equality Act, 1998 & 2004 and the Equal Status Act, 2000, Waterford Institute of Technology as an educational body providing vocational training, will not in respect of any such course offered to any person over the maximum school leaving age, discriminate against the person:
 - (a) in the terms on which any such course or related facility is offered;
 - (b) by refusing or omitting to afford access to any such course or facility, or;
 - (c) in the manner in which any such course or facility is provided for.

- (3) The Institute undertakes to encourage students to have a non-discriminatory, non-stereotyped view of themselves, of society, and their roles within it.

Strategies to achieve this goal will include:

- (a) encouraging a widening of students educational experiences,
 - (b) eradicating persistent stereotypes from text books, teaching materials and vocational guidance by establishing guidelines for in-house production and through replacement of material containing stereotypes by non-stereotyped material,
 - (c) encouraging all students to participate as fully as possible in extra-curricular activities and ensuring that financial assistance from capitation is divided equitably between all sections of the Institutes community,
 - (d) encouraging students to diversify their career choices on a non-stereotyped basis,
 - (e) the Institute undertaking to making every effort to eradicate incitement to hatred and violence towards any group in whatever form it takes.
 - (f) the Institute demonstrating its commitment to equal opportunities by using non-discriminatory/non-sexist language in all documents, e.g. terms such as “Ms”, “person” and “s/he” will be used in both internal and external documentation, and by portraying both sexes in a non-sexist way in pictures, posters, promotional material and magazines displayed or produced within the Institute.
- (4) The Institute, through the HR Manager, Equality Officer and committee of Designated Contact Persons (DCP’s) undertakes to ensure the implementation of the above objectives, which will be subject to monitoring, evaluation and revision as appropriate

Strategies to include this goal will include:

- (a) the development of appropriate monitoring procedures and establishment of criteria for the evaluation of objectives and achievement.
- (b) demonstrating a commitment to revising procedures in the light of experience and evaluation.

Section (B)

THE INSTITUTE AS AN EQUAL OPPORTUNITIES EMPLOYER

1 Introduction

- 1.1 Waterford Institute of Technology is an equal opportunities employer and is committed to the introduction and development of employment policies, procedures and practices which do not discriminate on grounds such as gender, marital status, religious belief, sexual orientation, family status, age, disability, race, and membership of the traveller community.
- 1.2 The principle of equality is enshrined within the Regional Technical Colleges Act, 1992, which states “in performing its functions a Governing Body shall have regard to the attainment of gender equity and of equality of opportunity in education”.
- 1.3 The Institute pledges itself to the development of a positive action programme which will seek to redress the imbalances within the system and will promote equality of opportunity in all the Institute’s activities.

2 Responsibilities of the Institute as an employer

- 2.1 It is recognised that responsibility for ensuring the provision of equality of opportunity rests primarily with the Institute as an employer.
- 2.2 The Governing Body is responsible for the management and control of all the affairs of the Institute, subject to the provisions of the Regional Technical Colleges’ Act (1992), and all legislation shall take precedence when in conflict with this document. Following consultation with the various staff unions, the Governing Body will appoint a Committee of Designated Contact Persons (DCP’s) charged with responsibility for the development of a positive action programme in relation to equal opportunities and for monitoring the effectiveness of that programme.
- 2.3 The Secretary of the Institute is responsible for ensuring that all employment policies and practices of the Institute reflect both the provisions of the law and the Institute’s policy in relation to equal opportunities. The Human Resources (HR) Office is responsible for the design, development, implementation and review of progressive HR policies and practices,

including the introduction of positive measures for the achievement of specific objectives in relation to equal opportunities, provided it does not in itself introduce further inequality.

- 2.4 All Heads of School/ Department/Function, Unit or Section Heads, and staff of the Institute who have a responsibility for other staff, in a supervisory or management capacity, have a particular responsibility for promoting equality of opportunity and ensuring that the policy is effectively implemented.
- 2.5 The role of the Designated Contact Person (DCP) is defined along the following lines:
 - 2.5.1 The Designated Contact Persons will act in a supportive capacity with staff to explore options and discuss concerns in relation to dignity and respect at work
 - 2.5.2 The Designated Contact Persons will be facilitated as far as possible with regard to acquiring expertise and training in equality matters.
 - 2.5.3 The Designated Contact Persons will be given access to professional help and advice where s/he deems it necessary, with the consent of the Director
 - 2.5.4 The Designated Contact Persons will not suffer any disadvantage in relation to her/his employment arising from the proper discharge of their functions.

Further details of the role of DCPs are set out in section C of this policy.

3 EMPLOYMENT PROCEDURES AND CODES OF PRACTICE

3.1 SELECTION

- 3.1.1 All employees will be selected, promoted and treated on the basis of their abilities and merits only, and according to the requirements of the job. All employees will have the opportunity to show ability and to progress within the Institute.
- 3.1.2 A record of each decision made throughout the selection process will be retained as appropriate, e.g. decisions in relation to necessary

requirements in job specifications and person profiles; interview assessment forms and reasons for shortlisting

3.1.3 No post will be classified by reference to any of the categories outlined in clause 1.1.

3.1.4 Management will ensure that no bias exists in assessments linked with attitudes based on the perceived qualities of the previous holder of the job.

3.2 ADVERTISEMENTS

3.2.1 All advertisements will carry the statement of the Institute's commitment to equal opportunities.

3.3 APPLICATION FORMS

3.3.1 Application forms will require information deemed necessary for selection for the job.

3.3.2 No question suggesting discrimination against persons in the categories outlined in clause 1.1 will be asked in advance of appointment.

3.3.3 The Institute will issue a copy of its Dignity & Respect Statement with all application forms.

3.4 SHORTLISTING

3.4.1 Shortlisting will be done by matching the details of applicants to the requirements of the job

3.4.2 More than one person (both sexes where possible) will be involved in the shortlisting process, to avoid the possibility of bias

3.5 INTERVIEWING

3.5.1 The Institute will not tolerate bias against candidates on the grounds outlined in clause 1.1. Interviewers will not make assumptions based on these grounds (as outlined in clause 1.1) about the suitability of candidates for any type of work.

- 3.5.2 Interviewers/Boards will be given a copy of the Institute's policy, and attention will be drawn to it prior to interviews taking place. Training will also be provided for members of the Institute involved in the selection process on best practice.
- 3.5.3 Questions will relate to the requirements of the job.
- 3.5.4 The personal background of candidates will only be pursued in so far as it is deemed relevant to the candidate's fitness for the appointment. Where it is essential to assess if personal circumstances will affect performance, applicants will be asked only if they are aware of anything that might hinder their performance of the job.
- 3.5.5 To avoid the possibility of bias all interviews will be conducted by more than one person and both sexes will be represented on the interview board.
- 3.5.6 Applicants will be assessed at the end of their interview on pre-set criteria.

3.6 PROMOTION

- 3.6.1 The Institute's promotion procedures will not discriminate on any of the grounds outlined in Clause 1.1.
- 3.6.2 Where appropriate, management will ensure that staff are aware of career/promotional opportunities by posting them on officially designated notice boards; placing them in an official staff newsletter; on the Institute's website or circulating them on the e-mail system.
- 3.6.3 Where appropriate, applications will be encouraged from all staff.
- 3.6.4 All employees will have access to training and the range of job experience as appropriate which will equip them for consideration for promotion.
- 3.6.5 Promotion will be determined solely from objective criteria and based on the person's performance and merits.
- 3.6.6 Undue emphasis will not be placed on factors such as unbroken service/length of experience, or undue weight given to subjective

estimates of suitability or seniority which might perpetuate past imbalances.

3.6.7 Feedback will be given to unsuccessful applicants on request to assist them to improve their performance for the future.

3.7 TRAINING

3.7.1 Training where appropriate to the needs of the Institute will be available to all relevant staff. This means that in addition to training immediately relevant to the current job all workers may avail of training to upgrade skills or enhance promotional prospects.

3.7.2 Assumptions about domestic responsibilities will not influence training decisions.

3.7.3 Special training initiatives will be developed to prepare employees for non-traditional roles.

3.7.4 Stereotyping will be eliminated from all training materials, e.g. visual aids; manuals; etc.

3.8 WORK EXPERIENCE

3.8.1 As promotion usually depends on work experience the Institute will, where practicable, provide experience of all aspects of a post to all (subject to obvious work requirements) to ensure that all staff will have equal opportunity for future career progression.

3.9 COMBINING WORK AND FAMILY RESPONSIBILITIES

3.9.1 The Institute will promote working arrangements which will facilitate, combining work and family responsibilities. These will include initiatives such as the provision of Job sharing, flexible working practices, career breaks and family responsibility leave, maternity leave, (under the Maternity Protection Acts 1994 & 2004), parental leave (under the Parental leave Act, 1998) and Adoptive leave (under the Adoptive Leave Act, 1995 and Adoptive Leave Bill, 2004) like all other leave will be provided without prejudice to promotion prospects.

3.10 LEAVE

3.10.1 All employees (including part-time & temporary) will be informed of their entitlements under relevant legislation.

4 MONITORING

4.1 The Institute undertakes to monitor the progress and effectiveness of the policy in practice at regular intervals. To assist the Institute to plan strategies and monitor this progress it is necessary to collect some data.

4.2 Staff are requested to note that data is collected solely for monitoring and will not be used for any other purposes.

4.3 Regular reports will be issued to the Governing Body.

5 THE LEGISLATION

5.1 “The Employment Equality Act, 1998 which came into force on October, 1999 prohibits discrimination by employers on the grounds of gender, marital status, religious belief, sexual orientation, family status, age, disability, race, and membership of the traveller community.

(the ‘prohibited grounds’) in relation to access to employment, conditions of employment, training or experience for, or in relation to, employment, promotion or re-grading or classification of posts.”

5.2 It provides a statutory entitlement to equal pay for equal work (i.e., the same work/or similar work or work of equal value in terms of skill) regardless of an individual’s gender, family status, marital status, sexual orientation, religious belief, age, disability, race, or membership of the traveller community.

DISCRIMINATION

5.3 Discrimination can be either direct or indirect on the basis of the grounds outlined in section 5.1. . This policy also takes cognisance of the amendments contained in the Employment Equality Act, 2004.

5.4 Direct Discrimination:

Less favourable treatment for people that is explicitly related to any of the discriminatory grounds outlined in clause 5.1.

5.5 Indirect Discrimination:

Discrimination is indirect where a person is obliged to comply with a requirement or condition of employment normally applicable to all employees which is not however essential to the job and which a substantially higher proportion of persons of the other sex or otherwise not a member of the relevant protected category is able to comply.

VICTIMISATION

5.6 The victimisation clause prohibits a person being penalised or treated less favourably because of pursuing their rights to equal treatment, supporting action or giving notice of intention to take or support action under equality legislation.

SECTION (C)

BULLYING & HARASSMENT POLICY

Policy Statement

1. WIT is committed to providing a safe working and learning environment in which all employees and students have the opportunity to fulfill their potential with dignity. Such an environment should be free of all forms of bullying, harassment and discrimination. The scope of this policy extends beyond the physical confines of the WIT campus e.g. staff attendance at conferences as part of their terms of employment, attendance at work-related social events.
2. It is recognized by WIT that bullying, harassment and discrimination in the working or learning environment can seriously damage a person's mental and physical health and well being. Accordingly, WIT will regard any complaint of alleged bullying, harassment or discrimination as a serious matter which could, if substantiated, lead to disciplinary procedures being invoked

3. The Institute recognizes the importance of balancing the freedoms of expression and intellectual enquiry, which are part of the ethos of higher education, with ensuring that these freedoms are not abused so as to leave members of the Institute feeling bullied, harassed or discriminated against.
4. Once a complaint of bullying, harassment or discrimination has been made, any form of victimization arising out of the complaint will be taken seriously and can itself lead to disciplinary action.
5. Complaints which are malicious and unfounded will also be subject to disciplinary procedures.
6. This policy applies to all staff and students of the Institute and its companies and all visitors and contractors and to all WIT events and activities, whether on or off the campus.
7. In formulating this policy WIT has had regard to the Equality Authority Code of Practice on Sexual Harassment and Harassment at Work 2002, the Health and Safety Authority Code of Practice on the Prevention of Workplace Bullying 2002 and the Labour Relations Commission Code of Practice Detailing Procedures for Addressing Bullying in the Workplace 2002.
8. Using the WIT procedure will not affect the complainant's right to make a complaint under the Employment Equality Act 1998.
9. An employee will not be victimized or subject to sanction for making a complaint in good faith or for giving evidence in proceedings.
10. The next major review of the policy will take place in January 2007 unless changes in legislation require an earlier intervention.

Policy Aims

Through this Policy WIT aims to:

1. foster a working and learning environment where individuals and groups treat one another with dignity and respect;

2. eliminate all forms of offensive conduct, raise awareness of the effects of such conduct on individuals and their environment, and provide a climate in which employees and students feel able to raise complaints of bullying, harassment or discrimination without fear of ridicule or victimisation;
3. ensure that all employees and students are aware of behaviour that may constitute bullying, harassment or discrimination and their responsibilities for avoiding and/or preventing such behaviour;
4. ensure that all employees and students understand that bullying, harassment and discrimination are unacceptable; that such behaviour will be challenged, and that disciplinary action may be taken in circumstances where informal attempts at resolution have failed and a formal complaint is upheld.
5. provide arrangements to enable complaints of alleged bullying, harassment or discrimination to be fully investigated in a manner that recognises the sensitivity of the issues raised and the rights of the parties involved;
6. ensure that all complaints and allegations are dealt with fairly and equitably with the appropriate confidentiality;
7. encourage the internal and informal resolution of complaints.

Definitions and Legal framework

1. **The Employment Equality Acts, 1998 & 2004** and the Equal Status Act, 2000 outlaws harassment and discrimination on 9 specified grounds. The nine grounds are – gender, marital status, family status, sexual orientation, religion, age, disability, race (including colour, nationality, ethnic and natural origin), and traveller community membership. WIT as an employer, is legally bound to comply with these Acts.
2. **Discrimination** is less favourable treatment of persons on any of the 9 grounds namely, gender, marital status, family status, sexual orientation, religion, age, disability race (including colour, nationality, ethnic and natural origin), traveller community membership.

3. **Harassment** is defined as any act or conduct which is unwelcome and reasonably regarded as offensive, humiliating or intimidating by reference to the 9 statutory grounds namely, gender, marital status, family status, sexual orientation, religion, age, disability race (including colour, nationality, ethnic and natural origin), traveller community membership including but not limited to spoken words, gestures, or the production, display or circulation of written material or pictures. It is important to remember that the term ‘harassment’ describes unfair or prejudicial behaviour, decisions or assessments. It does not include fair and reasonable feedback on performance or addressing issues of staff or student misconduct or poor performance in a positive manner.
4. **Bullying** is a type of harassment comprising 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. Some examples of bullying are:
- Picking on people and criticising them in front of others.
 - Punishing people by refusing to delegate responsibilities to them which they are competent to fulfil.
 - Unfounded criticism of the performance of work tasks.
 - Horse play or other unwanted physical contact
 - Shouting at people to get things done.

Bullying does not include fair and reasonable feedback on performance or addressing issues of staff or student misconduct or poor performance in an appropriate manner.

5. **Sexual harassment** involves unwanted sexual attention which emphasises sexual status over status as an individual, colleague or student. It is most often found in relationships of unequal power or authority as in staff / student, manager / employee although it can also take place between peers. Sexual harassment can be physical, ranging from suggestive looks to indecent assault or rape, or verbal, ranging from belittling or suggestive remarks and compromising invitations to aggressively foul language or unwanted requests or demands for sex, or displays of sexually suggestive or degrading pictures, including images, text and messages on computer

screens. It occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, for study or for social life. Any behaviour that makes the recipient feel unjustifiably viewed as a sexual object is liable to cause offence, even if offence is not intended. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as sexual harassment by one person may not seem so to another.

6. **Racial harassment** may be defined as any hostile or offensive act or expression by a person of one racial or ethnic origin against a person of another, or incitement to commit such an act. Such behaviour includes derogatory name-calling, insults and racist jokes, racist graffiti, verbal abuse and threats, physical acts, ranging from gestures to attack, and ridicule of an individual for cultural or linguistic differences. Racial harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, for study or for social life. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial harassment by one person may not seem so to another.
7. **Personal harassment** - Other forms of harassment can equally cause misery. Such harassment may include insults, bullying, teasing or hostility based on other grounds such as sexual orientation, age, disability, membership of the travelling community or religious differences.
8. **Violence /Threats**
 - If you have been attacked (or feel threatened in any way, or have been the subject of harassing telephone calls) seek help immediately. In particular you should report the matter to the Gardai. Any one of the contacts named in the guidelines or on the attached list can give you support and help you decide what to do. For your own protection and for the protection of others it is important that the offender is dealt with.
 - If you decide to go to the Gardai you may ask a member of the Institute to accompany you, in a personal capacity, if you wish.

- If you have been physically or sexually assaulted or raped seek medical help and advice immediately.
- Please note that nothing in this Policy prevents you from exercising your legal rights at any time.

Special Situations Relating to the Academic Environment

9. **Consensual sexual or romantic relationships.** Staff and students should be aware of WIT's position regarding consensual sexual or romantic relationships between members of the academic community. As a general proposition, WIT believes that a sexual or romantic relationship between a teacher and his / her student is inconsistent with the proper role of the teacher and should be avoided. There is often the danger that apparent "consent" might be based on intimidation or fear; this may later lead to a complaint of sexual harassment. Such relationships between staff and students are therefore strongly discouraged at WIT.
10. **Examinations.** In view of the importance of the examination process, it is recognised that fairness must be seen to be evident. Concerns about bullying, harassment, discrimination or victimisation which might have an impact on examination performance or results should be brought to the attention of the Registrar, prior to an examination sitting. The Registrar will inform the relevant Head of School who will take steps to ensure that the specific student has not been disadvantaged. This shall include ensuring that the student's examination paper is seen by the external examiner. The Head of School shall also ensure that lecturers are protected against spurious, malicious or unsupported claims. The Head of School shall advise the Registrar of the specific steps taken and the outcome. This procedure does not interfere with the student's normal rights to appeal the result of the examination.

Responsibilities

Regardless of status, everyone at WIT is expected to treat colleagues with mutual dignity and respect. Everyone has a responsibility to read and be aware of this Policy and associated Procedures and to ensure they do not behave in a way that could be intimidating or offensive to others.

The Institute will

1. communicate this Policy to all students and employees and ensure that those with responsibilities for students and employees are aware of their responsibilities under it.
2. ensure that complaints of alleged bullying, harassment or discrimination are dealt with promptly, seriously and with an appropriate level of sensitivity and confidentiality;
3. establish structures and provide specific and appropriate training for those involved in the operation and implementation of this Policy
4. appoint a senior manager as equality officer to oversee the above.
5. appoint a panel of Designated Contact Persons to meet on request with staff members and discuss possible resolution.
6. review the effectiveness of the policy and procedures regularly, and report regularly to the Executive Board and Governing Body on implementation of the Policy and Procedures.

Heads of School/ Department/Function, Unit or Section Heads and WITSU Officers will

1. provide a good example by treating all in the workplace with courtesy and respect
2. actively promote dignity and respect at work and equality of opportunity and ensure that the WIT policy is effectively implemented.
3. be vigilant for signs of bullying, harassment, sexual harassment or discrimination and take action before the problem escalates.
4. respond sensitively to an employee who makes a complaint under this policy.
5. explain the procedures to be followed if a complaint is made to them.
6. ensure that an employee making a complaint is not victimised for doing so.

7. monitor and follow up the situation after a complaint has been made.

All Employees and Students will

1. contribute to achieving an environment free of bullying, harassment and discrimination by ensuring that their own behaviour does not cause offence.
2. if they feel able to do so, make it clear, if they observe others behaving in a harassing, bullying or discriminatory way that such behaviour is unacceptable;
3. with the consent of the individual being subjected to such treatment, bring their concerns to the attention of an Designated Contact Person.

Designated Contact Persons

1. WIT has established a panel of Designated Contact Persons. Any staff member who is concerned about bullying, harassment or discrimination can speak to one of these colleagues in complete confidence. They are there to listen and understand what has happened and to offer support and information on options available, whether or not an individual wishes to make a formal complaint.
2. Designated Contact Persons are nominated by the Equality Officer, in consultation with Unions. They are representative of many aspects of the work of the Institute and will be available on all major campuses of WIT. You can choose to go to any one of these Support Persons - not necessarily the one in your Department, School, Function or building.
3. They will explore avenues available for resolving the situation reported to them and provide information in confidence to those who believe they are experiencing bullying, harassment or discrimination or who have witnessed it in WIT.
4. The Designated Contact Person will not normally become involved in the direct resolution of the difficulty through meetings or discussions with the parties together or separately.
5. The Designated Contact Person may keep brief, anonymous notes, but these will be personal to him /her and will not be put on any WIT file. An

anonymous statistical record will be kept centrally by the Equality Officer and the data will be included in annual reports to Governing Body.

6. A list of Designated Contact Persons is provided on the WIT Intranet or from the HR Office.

Equality Officer

WIT will appoint a Senior Manager as Equality Officer. This role involves:

1. Developing the policy for maintaining respect and dignity at work.
2. Overseeing the implementation of the policy including dissemination to everyone and training for frontline staff.
3. Keeping abreast of changes in the legislative framework.
4. Establishing, supporting and maintaining a panel of Designated Contact Persons.
5. Co-ordinating training for managers, investigators and support persons.
6. Assisting in the informal resolution of disputes.
7. Monitoring formal cases
8. Providing an annual report to Governing Body.

Action if you are harassed, bullied or discriminated against

Any difficulty in defining what constitutes bullying, harassment or discrimination should not deter staff, students, visitors or contractors from complaining of behaviour which causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. WIT will respect the particular sensitivity of bullying, harassment and discrimination complaints and their consequences as well as the need for the utmost confidentiality.

All members of the WIT community have a right to make a complaint if they feel they have been harassed, bullied or discriminated against. This complaint should be made to your supervisor or manager, if you are a staff member. If you

are a student you could approach your course leader, head of department or the Student Union.

There are a number of approaches to making and resolving alleged incidents of harassment, bullying or discrimination. Information on your options is available from a designated contact person (for staff members), as well as listed below.

1. Internal procedures:

- a) The Informal Procedure. As a general rule, an attempt should be made to address an allegation as informally as possible. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved. Attempting to use the informal procedure does not preclude you from using the other options open to you. A more detailed explanation of the informal procedure is given on the next page.
- b) Mediation : Workplace mediation is a means of resolving disputes by taking the matter to a third party- the mediator. The process requires the voluntary participation and co-operation of both parties. The mediator is an independent facilitator, from outside WIT who is trained in such matters. Either party can withdraw from this process at any time. Successful mediation results in an agreed solution. Again, if mediation fails a complainant has the right to invoke the formal procedure
- c) The Formal Procedure. If an informal approach or mediation is inappropriate or if the matter cannot be resolved by the informal procedure or mediation, the formal procedure may be invoked. A more detailed explanation of the formal procedure is given on page 22.

2. External Procedures

1. Equality Tribunal

Complaints may also be made to the Equality Tribunal . These complaints must be made within six months of the alleged offence(s) being committed. The equality tribunal can utilise mediation (as described above) or else appoint an investigator who will call a

hearing, conduct an investigation and issue a decision. Either party can appeal such a decision to the Labour Court.

2. Legal Redress

Please note that nothing in this Policy prevents you from exercising your legal rights at any time. A description of these is beyond the scope of this policy. If you intend legal redress you should probably consult a solicitor.

Informal procedure

While in no way diminishing the issue or the effects of harassment, sexual harassment, bullying or discrimination on individuals, an informal approach can often resolve matters. Most recipients of harassment simply want the bullying or harassment to stop.

1. Seek information

Staff members may, in confidence, seek information from a Designated Contact Person. Students are advised to approach the Student union. If you wish, you may be accompanied at such a meeting by a sympathetic colleague, friend or staff representative. The purpose of this meeting with the DCP will be to discuss the bullying, harassment or discrimination and to try and find a solution. Following this meeting further action involving you will not normally be taken without your express permission: in particular the person about whom you are complaining will not be given your name without your express permission. An anonymous statistical record of the meeting will be kept.

2. If necessary, seek medical help

If the nature of the harassment is such that it is putting you under stress, or injuring you, or making you unwell, go to your doctor.

3. Keep a record of the incidents

This is important. Later on, you may need to recall what has happened to you. Make an accurate record of the date and time of any incidents, and of the name of anyone who was around at the

time and might have seen what happened.

4. If possible make it clear to the person that you object to their behaviour

You can arrange to meet the person and explain, simply and directly, that you find certain behaviour unwelcome or offensive and that if the behaviour or similar behaviour is repeated you may have to make a formal complaint. Where it is too difficult or embarrassing for you to do this on your own behalf, you could be accompanied by a third party such as a friend or colleague, while you speak directly to the person you feel is harassing or bullying you.

Another approach, if you do not want to face the person, is to put your concerns in writing. Explain what it is about the behaviour that is upsetting you and ask for it to stop. State clearly that this letter is part of the informal procedure under the WIT Respect and Dignity policy. If you decide to tackle the problem by writing to the person you should keep a copy of the letter or memo and any response.

The responses to your complaint by the alleged wrongdoer can range from surprise, embarrassment, disbelief, anger, defensiveness, regret etc. You need to be prepared to address these possibilities.

A personal approach or a letter/memo may be effective where someone does not realise that their behaviour has been objectionable to you and the offending behaviour may stop as soon as they are spoken to about it.

5. How to respond if an informal complaint is made against you

If someone speaks to you or writes to you indicating that they find some aspect of your behaviour inappropriate, you should take it very seriously. Your immediate response may be to get angry, deny or reject the complaint. Try not to respond in this way; reflect carefully on what is said and take time to consider your response.

If you wish you may seek advice from a friend, staff representative or talk to a Designated Contact Person.

While you may have had no intention to bully, harass or discriminate against your colleague, if they perceive your behaviour as unwelcome, threatening or intimidating, you must listen. Where you consider your behaviour has caused offence, unintentionally or otherwise, apologise to the complainant and modify your behaviour accordingly. Remember that the complaint is being dealt with under the informal procedure and if matters are resolved, no disciplinary action will follow.

If you do not accept the validity of the complaint, you have the right to present your account of the issue to the complainant.

Formal procedure

1. Introduction

Formal complaints may be made where all attempts to resolve the matter informally have failed or where the conduct is deemed too serious for the informal route. By its nature, bullying or harassment may make the normal channels of complaint difficult to use because of embarrassment, fears of not being taken seriously, fears of damage to reputation, fears of reprisal or the prospect of damaging the working or learning environment. When a formal allegation of bullying, harassment or discrimination is made, WIT will handle the matter with a suitable level of sensitivity. The reputation of all interested parties will be protected insofar as possible. This demands confidentiality by all parties; disclosure will be on a need to know basis only.

The decision to make a formal complaint is a very serious one for all concerned and should not be taken lightly. Any complaint, whether upheld or not, is likely to adversely reflect on the reputation of the person against whom the complaint is made. Malicious or unfounded complaints or breaches of confidentiality will be treated as disciplinary matters. In view of the seriousness of a formal complaint, a person who is considering this route is strongly advised to discuss it in advance with the Equality Officer or, if they are a member of a trade union, with an officer of the branch.

When a complaint is made, the Secretary / Financial Controller or nominee will need to consider whether any party should be suspended with pay from all or part of his/her duties or requested not to attend the Institute on a voluntary basis, pending this investigation. This decision will be based on the seriousness of the complaint and the protection of all parties - the complainant, the witnesses and the person against whom the allegation has been made.

The steps involved in making and responding to a formal complaint are set out below.

2. Written Complaint

The complainant should make a formal complaint in writing to the Secretary Financial Controller. The complaint should be confined to precise details of the allegation(s).

3. Rights of the alleged perpetrator

The alleged perpetrator(s) will be notified in writing that an allegation of bullying, sexual harassment, discrimination or harassment has been made against them. They will be given a copy of the complainant's statement and advised that they will be afforded a fair opportunity to respond to the allegation(s).

4. Initial Examination

The complaint will be subject to an initial examination by a designated member of management nominate by the Secretary Financial Controller, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or seeking to resolve 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 the credibility or otherwise of the allegation(s) and, in appropriate cases, the imposition of a disciplinary sanction.

5. Terms of Reference

The investigation should be governed by clear terms of reference, determined by Management following consultation with the complainant and the alleged perpetrator(s).

The investigation should be conducted by either:-

- A small team of staff from WIT, who have been trained as investigators, and who work in different areas from the parties. Gender balance should apply.
- an external investigator or
- any other arrangements agreed with the parties.

6. Investigation

(a) Both the complainant and alleged wrongdoer will be informed in writing of the following:

- What the formal procedure entails and the relevant time limits
- That both parties have the right to be accompanied and / or represented, by appropriate persons (no more than 3) of their choice at meetings
- That the alleged wrongdoer will be given full details in writing of the nature of the complaint including written statements and any other documentation or evidence including witness statements, interview notes or records of meetings held with the witnesses
- That the alleged wrongdoer will be given time to consider the documentation and an opportunity to respond
- That confidentiality will be maintained throughout any investigation to the greatest extent consistent with the requirements of a fair investigation
- That a written record will be kept of all meetings and investigations

- That the investigation, having considered all of the evidence before it and the representations made to, it will produce a written report to both parties outlining its findings and the reasons for its final decision
 - If the complaint is upheld against an employee the report will recommend whether the disciplinary sanction should be imposed
- b) In the course of investigating a complaint, WIT will make no assumptions about the guilt of the alleged wrongdoer. The investigation will be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s).
- c) The investigator(s) will meet with the complainant, the alleged perpetrator(s) and any witnesses or relevant persons on a confidential basis with a view to establishing the facts surrounding the allegations(s).
- d) Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe.
- e) On completion of the investigation, the investigator(s) will submit a written report to management containing the findings of the investigation.
- f) Both parties will be informed in writing of the findings of the investigation and will be given the opportunity to comment on these findings before any action is decided upon by management.

Complaints will then be dealt with in one of three ways depending on whether the complaint is made against

- a member of WIT staff,
- a non-employee or non-student such as a visitor or contractor or
- a student.

OUTCOME

(a) In the case of WIT staff

- Should the investigator(s) advise that the complaint is well founded, the alleged perpetrator(s) will be given a formal interview by management to determine an appropriate course of action. Such persons will be entitled to be accompanied and/or represented by appropriate persons (no more than 3) of their choice at meetings

The gravity of the findings will determine the level of disciplinary action to be taken. Such action could, for example, involve counselling and/or monitoring and/or the imposition of a disciplinary sanction.

If it is considered that the complainant has brought charges improperly, the complainant will be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counselling and/or monitoring and/or the imposition of a disciplinary sanction. If there is damage to reputation, there is an onus on the complainant to attempt to make reparation.

Any individual who misinforms the investigator(s) (e.g. witnesses) may be subject to penalties

Before any proposed action is taken, both parties will be fully informed of the outcome of the investigation and the action recommendation. They each have the right to appeal any decision. Such an appeal should be made to the Director within two weeks of receiving notice of the outcome and recommendation. An appeals officer, agreed with the parties, will be appointed to review the results of the investigation and the decision. The decision of the appeals officer will be final.

(b) In the case of a non-employee or non-student

If a complaint is upheld against a non-employee the report will recommend appropriate sanctions against the non-employee or his/her employer which could extend where appropriate in the circumstances to

- Exclusion of the individual from the premises
- Suspension or termination of service
- Suspension or termination of a supply service or other contract

(c) In the case of Students

When a student is accused of bullying, harassment, sexual harassment or discrimination, the matter will be referred to the student disciplinary process as set out in the WIT Student Code of Conduct.

CONFIDENTIALITY

All individuals involved in the procedures referred to above must maintain absolute confidentiality on the subject.

STATUTORY RIGHTS

Using the complaints procedure will not affect the complainant's right to make a complaint of sexual harassment or harassment under the Employment Equality Act 1998 & 2004. Any such complaint must be filed within 6 months of the action complained of, which period may be extended to 12 months if exceptional circumstances prevented the bringing of the complaint within the initial 6 month period.

NO VICTIMISATION

An employee will not be victimised or subject to sanction for making a complaint in good faith, or for giving evidence in proceedings, or by giving notice of intention to do so.