

1. Policy Statement

University College Dublin is committed to the promotion of an environment for work and study which upholds the dignity and respect of the individual and which supports every individual's right to study and/or work in an environment which is free of any form of harassment, intimidation or bullying.

The University recognises the right of every individual to such an environment and requires all members of the University community to recognise their responsibilities in this regard.

2. Purpose

The purpose of this policy is to provide a statement of policy and guidance on harassment, including bullying, sexual harassment and racism.

Harassment of others by members of the University community - staff or students - will not be tolerated.

3. Scope of the Policy

This policy applies to the behaviour of students and staff of the University and others on University business or engaged in activities relating to the University or providing services to the University in all locations and situations, including;

- The UCD campus, the campus of any other university or other place where staff or students are representing the university
- At events such as social functions, conferences, sporting events, field trips, or work assignments which are related to the University, to one's work or study, or at which one represents the University
- In writing, on the telephone, by e-mail or on the internet in any University related activity.

4. Academic Freedom

It is not the intention of the University that this policy should undermine academic freedom, as defined in the Universities Act, 1997.

It is the policy of the University to protect freedom of expression and intellectual enquiry for all members of the community and to ensure that they are exercised in such a way as they do not interfere with the rights of others, or breach the laws of the state.

5. Definitions

5.1 BULLYING is defined as *behaviour of a physical, verbal or a psychological nature which is unwanted and unwelcome and which could reasonably be regarded as offensive. The bully, intentionally or unintentionally, misuses the power of position, knowledge or personality to domineer, intimidate or humiliate others.*

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

- Open aggression, threats, shouting abuse or the use of obscenities
- Constant humiliation, sneering or ridicule
- Unreasonable scrutiny or unreasonable demands
- Taking credit for another person's work
- Undermining a person's authority
- Spreading malicious rumours

5.2 HARASSMENT is defined as *any act or conduct which is unwanted and unwelcome and which could reasonably be regarded as offensive, humiliating or intimidating on any of the following discriminatory grounds: gender, marital status, family status, sexual orientation, religion, age, disability, race, or membership of the traveller community.*

The following are common but not exclusive examples of harassment -

- Treating people less favourably or subjecting them to ridicule on any of the nine grounds.
- Demeaning and derogatory remarks, name-calling.
- Isolation, non co-operation or exclusion within the workplace.
- Unwelcome comments on appearance.
- Unwarranted criticism of work performance.
- Undermining the authority of a colleague in the workplace.
- Production, display or circulation of offensive material.

5.3 SEXUAL HARASSMENT is defined as *unwanted and unwelcome conduct which could reasonably be regarded as sexually or otherwise on the gender ground, offensive, humiliating or intimidating. Sexual*

harassment undermines the dignity of the recipient, and adversely affects work or study performance.

The following examples are some of the most common forms of sexual harassment -

- Sexually suggestive jokes or comments.
- Innuendo or jokes about a person's sexual orientation.
- Questions or insults about one's private life.
- Unwelcome sexual attention.
- Display of offensive material.
- Leering, offensive gestures or whistling.
- Threats of or actual, physical assault.
- Groping, patting or unnecessary touching.
- Suggestions that sexual favours may further someone's career, or that refusal may damage it.

5.4 RACIAL HARASSMENT

Harassment on the grounds of race/ethnic origin is defined ***as unwanted or unwelcome conduct based on a person's race which is offensive to the recipient and which might threaten a person's security or create a stressful, hostile or intimidating work or study environment.***

Harassment on the grounds of race may include -

- Verbal harassment: offensive jokes or remarks about a person's race or ethnic origin (including membership of the traveller community), ridicule or assumptions based on racial stereotypes.
- Visual harassment: Production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda.
- Physical harassment: physical assault, threats of physical assault.

What do you do if you feel you are being harassed or bullied?

6. Procedures

6.1 Informal Approach

As part of its commitment to an environment which is free of any form of harassment, the University has a number of resources available to those who feel that they are the subject of harassment and has established procedures to deal with formal complaints.

- If you feel you are being harassed or bullied you should, if at all possible, endeavour to make it clear to the person, or persons, causing offence that such behaviour towards you is offensive and unacceptable.
- If such behaviour is having an adverse effect on your work or study, point this out to them and ask them to stop.
- Keep a record of incidents so that you can be specific about the behaviour or actions which are causing offence.
- If speaking to the person fails, or if it proves too difficult to do, there are other sources of help available to you.

You may still wish to take an informal approach to resolve the problem with the minimum of conflict and -

- You may wish to contact your trade union, UCD HR or the Students' Union.
- If appropriate, you may wish to discuss the matter with your Head of School/Unit or College Principal of your College.
- You might consider approaching one of the Student Advisors/University Chaplains.
- You may wish to contact one of the Support Colleagues. The Support Colleagues are staff members of the university who have been appointed by the President on a voluntary basis and trained as a source of peer support for anyone experiencing difficulties of a bullying or harassment nature.

6.1.1 Possible Sources of Help - Internal

- Student Advisors
- Student Advisors/Chaplains
- Student Counsellors in the Student Health Centre
- A representative of a trade union
- Support Colleagues
- Students' Union Welfare Office
- 'Niteline'
- The Equality and Diversity Office
- Head of School/Unit
- UCD HR

6.1.2 Possible Sources of Help - External

- The Equality Authority
- The Rape Crisis Centre

- Irish Business and Employers Confederation (IBEC)
- Irish Congress of Trade Unions (ICTU)

6.2 Formal Approach

If you wish to make a formal complaint you must do so in writing. Written complaints should contain details of the person or persons against whom the complaint is being made and where possible, details of the alleged act or acts of harassment. Assistance in making a formal written complaint can be sought from one of the above sources of help.

6.2.1 Complaints Procedure

- The written complaint should be forwarded to the following address –

Box 1, Michael Tierney Building

- All complaints should be clearly marked: “**Complaints Confidential**”
- All formal complaints will be referred directly to an Assessor appointed by the President.
- All complaints will be investigated in a confidential manner and without undue delay.
- The complainant will be advised of the identity of the Assessor appointed by the President.
- The alleged harasser will be given a copy of the written formal complaint and afforded the opportunity to respond in writing.
- All investigations will be conducted in accordance with the principles of natural justice. Each party will have the right to present his or her side of the case and/or be represented by a person of his or her choice.
- Both parties will be advised of the outcome of the investigation once the Assessor has made a report to the President.

Detailed procedures are available, on request, from the President’s Office, UCD HR or the Students’ Union.

Because there can be sensitive and confidential aspects to such cases, the procedures have been designed to safeguard the rights, both of the complainant and the alleged harasser. All complaints will be dealt with promptly and treated with the utmost discretion. The outcome will be advised to both parties.

All reasonable steps will be taken to protect a student or member of staff, who files a complaint, or assists in an investigation from intimidation, victimisation or discrimination. Retaliating against someone who complains about harassment is a serious disciplinary offence.

Malicious complaints will also be regarded seriously by the University and may result in disciplinary action.

6.3 Right of Appeal

After the investigation is complete and the outcome made known to both parties, either party will have the right to appeal to the Governing Authority.

7. The Law

This policy is underpinned by national legislation:

- Employment Equality Acts, 1998 and 2004
- Universities Act, 1997
- Equal Status Acts, 2000 and 2004
- Prohibition to Incitement of Hatred Act, 1989

7.1 The Law and Individual Rights

This policy aims to ensure that any problems of bullying or harassment which occur can be resolved within the University. However, it is the statutory right of every individual, should they wish to do so, to process a complaint under the terms of the Employment Equality Acts 1998 and 2004, through the appropriate state agency, such as the Labour Relations Commission or the Equality Authority. A complaint must be lodged with the Equality Authority within six months of the incident occurring. Advice on how to process a complaint in this way can be obtained from the Equality Authority.

8. Review

The Governing Authority has agreed that the implementation of the Policy and Procedures on Dignity and Respect at University College Dublin will be monitored and kept under review.

Support Colleagues for UCD

Professor John Bannigan	Professor of Anatomy	School of Medicine & Medical Science	Health Sciences Centre	6636	john.bannigan@ucd.ie
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