



# Dignity & Respect Procedure

## Introduction

As set out in our Dignity and Respect Policy, our University is committed to providing an environment in which all members of our community should expect to be able to thrive and to be respected and valued for their unique perspectives and contributions so that they can achieve their fullest potential. Moreover, we are committed to the promotion of a culture for work and study which upholds the dignity and respect of the individual and which supports the individual's right to study and/or work in an environment which is free from discrimination. This includes any form of bullying, sexual harassment or other forms of harassment.

These procedures set out a range of options and supports available to the University community to resolve dignity and respect issues. Issues of bullying, sexual harassment or harassment whether informal or formal, will be treated seriously, objectively and with due regard for the rights and sensitivities of the person raising the issue and the person against whom the issue is being raised. As far as reasonably possible, dignity and respect matters will be handled in strict confidence.

The University promotes and encourages the resolution of dignity and respect issues through informal means in so far as possible. To achieve this, we are committed to training and supporting members of our Community in understanding the importance of dignity and respect and how their roles are integral in promoting a culture where work and study is free from discrimination and any form of bullying, sexual harassment or other forms of harassment. This will be done through a variety of means such as inclusion in the orientation programmes for employee and students, inclusion in relevant training programmes and procurement contracts.

While it is preferable that dignity and respect issues can be resolved informally or at a local level sometimes it may be appropriate for the formal process to be called upon from the outset.

The Procedure for resolving dignity and respect issues is set out in the following pages.

Any member of our University Community with dignity and respect concerns should read the policy and these procedures and consider the options available to them in order to resolve them. The University takes matters of dignity and respect seriously and sources of help are available to members of the Community:

#### Employees

- Head of School/Unit/People Manager
- Colleagues
- Trained Dignity and Respect Contact Persons
- HR Partners
- Equality, Diversity and Inclusion Manager
- Trade Unions
- The Employee Assistance Programme

#### Students

- Student Advisers & Chaplains
- Head of School, Associate Deans & Programme Coordinators
- Student Counsellors in the Student Health Centre
- Trained Dignity and Respect Contact Persons
- Students' Union Welfare Office (for students)
- Chair of Student Activities Committee

This procedure covers all members of the University Community – employees, students, visitors and sub-contractors.

## **1. Informal Approach**

There are several ways where dignity and respect issues can be dealt with informally. The objective of dealing with issues informally is to try and resolve them swiftly and effectively with the minimum amount of distress to all parties.

### **1.1. Approach the Person Causing Offence**

If possible, the person raising an issue should be encouraged to inform the person causing offence directly of the impact of their behaviour and that their behaviour is unwelcome. This will not be appropriate in alleged offences of a sexual nature.

It may be the case that the person causing offence does not realise that they are perceived to be behaving in a manner which is negatively affecting someone else and this approach often resolves the situation.

The following should be made clear:

- Details of the behaviour in question. A record of incidents should be kept so that the person raising the issue can be specific about behaviours and actions that are causing offence
- The fact that it is unwelcome and offensive
- The harmful effects it is having on them. If such behaviour is having an adverse effect on work/study, this should be pointed out to the person causing offence who should be asked to stop
- That it is contrary to University's Dignity and Respect Policy

## **1.2. Discuss with Manager (for employees) / Discuss with Head of School, Associate Dean, Programme Co-ordinator (for students)**

The role of the Manager (for employees) / Head of School, Associate Dean or Programme Coordinator (for students) can be very important in working with those involved in an issue in a proactive manner to provide options and potential pathways for resolution of issues in a positive, solution focussed manner.

The person raising an issue may discuss it with their Manager / Head of School, Associate Dean or Programme Co-ordinator in an attempt to resolve the issue. This may involve informal facilitation whereby both parties may be invited to a meeting to discuss the issues or the Manager/ Head of School/Programme Co-ordinator may meet with both parties separately. Parties are strongly encouraged to engage in this facilitation.

Where unwelcome behaviour has occurred, and is admitted, the Manager / Head of School, Associate Dean or Programme Co-ordinator should be clear that it is not acceptable and take appropriate action.

If the person causing offence is the Manager / Head of School, Associate Dean or Programme Co-ordinator, then the person raising the issue is advised to contact the manager/person at the next level. If they feel unable to raise the issue within the line management levels, they can contact their HR Partner in the case of employees or a Student Adviser the case of students (see section 1.3 below). Following discussion with a Student Adviser, a further alternative is to contact a trained Dignity and Respect Contact Person (see section 1.4 below).

## **1.3. Speak to a Student Adviser or Chaplain (for students)**

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

The Student Advisers / Chaplains can assist students in finding pathways to deal with questions relating to dignity and respect and can advise of appropriate UCD policies, procedures and services. Student Advisers / Chaplains work closely with faculty and staff as well as with the other student support staff to ensure that each student's experience at UCD is as fulfilling and enjoyable as possible.

## **1.4. Speak with a Trained Dignity and Respect Contact Person (for employees or students)**

The University has established a panel of Dignity and Respect Contact Persons who have been trained to support the resolution of dignity and respect matters. These are available to both students and employees, as appropriate. Dignity and Respect Contact Persons can be accessed [here](#). An alternative to approaching the person causing offence directly / discuss with the manager is for the person raising an issue to call upon a Dignity and Respect Contact Person in the case of employees. Following discussions with a Head of School, Associate Dean, Programme Co-ordinator or the Student Adviser, students may be advised to contact a Dignity and Respect Contact person. The panel that the University has established represents Dignity and Respect Contact Persons from different parts of the University and to ensure impartiality, those getting in touch with a Contact Person from the panel should pick someone not known to them. The person raising the issue can ask the Dignity and Respect Contact Person to speak with the person causing offence directly and ask them to assist in resolving the matter. This may involve informal facilitation whereby both parties

may be invited to a meeting separately and/or together as appropriate to discuss the issue with the Dignity & Respect Contact Person and agree next steps.

### **1.5. Get in touch with the Students' Union (for students)**

The Students' Union has a Welfare Officer and students are encouraged to get in contact with the Welfare Officer.

### **1.6. Mediation (for employees or students)**

Mediation is a voluntary, confidential process that allows two or more disputing parties to resolve their conflict in a mutually agreeable way with the help of a neutral third party, a mediator. The aim of the mediation service is to resolve disputes at the earliest possible opportunity and to encourage parties to resolve their differences without having to go through a formal complaints process.

Attending mediation does not preclude any other form of dispute resolution. For employees, the person raising the issue should discuss the option of mediation with their immediate manager in the first instance. If there is a conflict of interest in discussing the issue with the immediate manager, the employee raising the issue should discuss the option of mediation with that person's line manager.

For students, the person raising the issue should discuss the option of mediation with their Student Adviser, Head of School, Associate Dean or Programme Co-ordinator.

A briefing on the mediation process can be requested by contacting the Equality, Diversity and Inclusion Manager. These briefings are designed to help the parties understand how mediation works and to make an informed decision. However, neither party is compelled to avail of mediation.

Further information on mediation can be obtained from the Equality Diversity and Inclusion website (<http://www.ucd.ie/equality/mediationservice/>) or by contacting the Equality Diversity and Inclusion Unit on Ext 4947.

## **2. Formal Approach**

The formal procedure shall be used in any of the following circumstances:

- Informal attempts at resolution have been unsuccessful
- The person raising the issue (the complainant) wishes the complaint to be treated formally
- The alleged bullying, harassment or sexual harassment is too serious to be treated under the informal procedure
- The alleged bullying, harassment or sexual harassment continues after the informal procedure has been followed

### **2.1. Principles of the Formal Procedure**

- All formal complaints will be initially assessed by the University to ensure that they fall within the Dignity and Respect Policy and not another policy/procedure
- All parties involved in this procedure must ensure that they maintain the confidentiality of the process within and outside the University within the parameters set out in this Policy
- In the event of a complaint of bullying, harassment or sexual harassment every effort will be made to encourage individuals to resolve the matter informally, or failing that,
- At all formal meetings, both parties will have the right to be accompanied such as in the case of employees by a member of the University Community or a trade union representative; in the case of a student by a student adviser/chaplain or student union representative, in the

case of others, as set out in the terms of reference of the investigation

- The University recognises that raising and considering a complaint of bullying, harassment or sexual harassment can be a stressful experience for all parties involved. All parties are entitled to be treated with respect
- Every effort needs to be made by all involved to deal with issues promptly and not cause unreasonable delay. All parties are obliged to co-operate and make themselves available as a matter of priority to ensure that the investigation can be completed within a reasonable timeframe. Timelines will be set out in the terms of reference associated with each complaint
- A complaint of bullying, harassment or sexual harassment made under this Procedure should be made within 12 months of the alleged incident(s) giving rise to the complaint or within 12 months from the date of the alleged last recurring incident
- All parties are required to maintain professional interactions
- The role of the investigator is independent and all parties need to respect this
- All investigations will be carried out with fairness taking into account the principles of natural justice and findings of an investigation will be based on the balance of probabilities

## **2.2. Submission of Formal Complaint**

The Formal Complaint Form in Appendix 1 (“**the Complaint Form**”) must be used to make a formal complaint. The completed form should be forwarded to the Equality, Diversity & Inclusion (EDI) Manager for review and to ensure that it is aligned to this Procedure. The form can be forwarded by email to [edi@ucd.ie](mailto:edi@ucd.ie) or by post to the Equality, Diversity & Inclusion Manager, Roebuck Offices, Belfield, Dublin 4.

The complaint will normally be acknowledged within 5 working days of receipt of the Complaint Form.

The complaint will be subject to preliminary screening. The purpose of preliminary screening is to decide whether the alleged behaviour, which is the subject of the complaint, falls within the definition of bullying, harassment or sexual harassment as outlined in the policy. The rationale for this provision is that some complaints do not fall within the definition of bullying, harassment or sexual harassment. To carry out the preliminary screening, the complainant must complete the Complaint Form in Appendix 1.

The preliminary screening will be carried out by a panel comprising senior nominees from HR, Legal and the Registrar’s Office who will decide if it is appropriate to progress the complaint under the Dignity and Respect Policy or another University policy/procedure. This assessment will be based exclusively on the written details of the complaint as set out by the complainant in the complaint form. The screening panel can also request a party/parties to confirm if all informal resolution pathways have been exhausted. They may recommend that informal pathways be followed up on further in certain circumstances.

The EDI Manager will normally notify the parties in writing of the outcome of the preliminary screening and key contacts going forward within 7 working days from the date of the complaint being received by the panel. If the complaint is deemed not to come within the scope of the Dignity and Respect Policy, the complainant will be so informed and advised on the appropriate procedure for dealing with the matter.

Once a formal complaint is submitted and confirmed as falling under the Dignity and Respect Policy, the person against whom a complaint is made (the Respondent) will be notified and provided with the Complaint Form, the Dignity and Respect Policy, these procedures, any all relevant documentation and will be asked for a formal response, a copy of which the complainant will also receive. Both parties will also be advised that they must attend a mandatory briefing on the mediation process if they have not done so at the informal stage. If both parties agree to mediation, the formal process will

be put on hold until the outcome of mediation is known. If the matter is not resolved following exchange of formal correspondence, or mediation, an investigator will be appointed.

### **2.3. Procedures for Investigation**

In the case of employee to employee/other complaints, the HR Director or their nominee will appoint an Investigator from a panel of investigators or an external investigator, to investigate the complaint. The appointed investigator must not have any conflict of interest.

In the case of an employee and a student(s) being involved in the complaint, the HR Director or their nominee will consult with the Registrar or their nominee when appointing the investigator. In the case where it is a student to student complaint, the Registrar or nominee will appoint the investigator. The investigation will be completed as soon as reasonably practicable.

The Investigator will normally follow the process laid out below to the extent possible:

- Put in place terms of Reference and a Secretary will be appointed to the investigation. The terms of reference will set out the timelines of the investigation and will be issued to all parties to the complaint
- Request, collate, and look objectively at all evidence pertinent to the complaint. In the normal course of an investigation, the investigator will meet with the complainant, the respondent and any witnesses that the investigator deems appropriate with a view to establishing the facts
- Meet with the person making the complaint (the complainant). This will involve confirming the details of the complaint and explaining the procedure to the complainant. The complainant may be accompanied at the meeting by a member of the University Community, a trade union representative in the case of an employee, a student union representative in the case of a student or in the case of others (e.g. visitors or sub-contractors), as set out in the terms of reference
- Meet with the respondent where they will be given the opportunity to respond to the complaint in line with the principles of natural justice and the Terms of Reference. The respondent may be accompanied at the meeting by a member of the University Community, a trade union representative if an employee, a student union representative in the case of a student or in the case of others, as set out in the terms of reference
- Meet with any witnesses as deemed appropriate by the investigator
- Consider the material provided
- Repeat any of the above stages as required
- Compile a report of the investigation (normally compiled within 10 working days of the end of the investigation). The report should include a summary of the investigation procedure such as details of investigation meetings, a list of written statements/material provided, an analysis of the claims being made, a conclusion and whether or not a complaint is upheld
- Each party will be given an opportunity to comment to the findings of the Report before any further steps are taken.

The Investigator may proceed with the investigation notwithstanding the non-attendance of either or both Complainant and/or Respondent.

The Investigator will endeavour to meet the timelines as outlined in their terms of reference, however, where this is not possible, the parties will be kept informed.

Whether the complaint is upheld or not, HR Director or nominee/Registrar or nominee, the complainant, the respondent and the local management team will consider how best to manage the relationship between the complainant and the respondent and where possible, ensure a return to normal practices/and a professional working relationship.

#### **2.4. Possible Outcomes**

- 2.4.1. Where the Investigator does not uphold the complaint, or finds that the matter complained of is without merit, the Investigator may dismiss the complaint, and will so inform the complainant and the respondent in writing. The Investigator must set out the reasons for a complaint not being upheld
- 2.4.2. Where the Investigator upholds the complaint in whole or in part, they will submit a written report to the HR Director/Registrar or nominee as appropriate, setting out the details of the complaint and the reasons for upholding the complaint. In the case of employees, the matter will be dealt with under the appropriate disciplinary procedures, as specified in the University's Statutes. In the case of students, the matter will be dealt with under the Student Code. The Investigator will send copies of this report to the Complainant and the Respondent
- 2.4.3. Where the Investigator is of the opinion that the complaint is malicious, the Investigator will submit a written report to the HR Director/Registrar or nominee as appropriate. In the case of employees, the matter will be dealt with under the appropriate disciplinary procedures, as specified in the University's Statutes. In the case of students, the matter will be dealt with under the Student Code. The Investigator will send copies of the report to the complainant and to the Respondent. The complainant in this instance will be subject to the relevant disciplinary procedure/student code

#### **2.5. Withdrawal of Complaints**

From time to time, complainants may seek to withdraw their complaint after initiating a formal investigation. Withdrawal of a complaint must be made in writing to the Equality, Diversity and Inclusion Manager. The University reserves the right to investigate a claim that has been withdrawn and/or the reason for which it has been withdrawn.

#### **2.6. Review**

If a complainant or respondent is unhappy with the outcome of the investigation, they may request a review of the decision following an investigation on one of the following grounds:

- There has been a material procedural irregularity which has demonstrably affected the outcome
- There is material new information which one of the parties was unable, for valid reasons, to provide when the matter was being investigated and which would have significantly affected the outcome

The request for a review must be in writing and it must set out the grounds for seeking the review in sufficient detail. The request for a review must be submitted to the HR Director nominee/Registrar (or nominee) as appropriate within ten working days of notification of the outcome of the investigation.

The HR Director/Registrar or nominee will normally review the request for a review within 15 working days of the receipt of the request for the review and may make one of the following decisions:

- Dismiss the request for a review (in whole or in part)
- Uphold the request for a review (in whole or in part)
- Direct that a new investigator be appointed on the basis of new evidence

The HR Director/Registrar or nominee will communicate their decision in writing to the complainant and respondent normally within 15 working days of the determination of the request for the review. The decision of the HR Director/Registrar or nominee is final and may not be appealed.

### **2.7. Office of the Ombudsman (for Students)**

If a student has exhausted the University's internal complaint process and remains dissatisfied with the handling of their complaint they may complain to the Office of the Ombudsman. Students under the age of 18 should refer their complaint to the Office of the Ombudsman for Children.

Information on how to complain to the Office of the Ombudsman and its processes of investigation can be found on the Office of the Ombudsman website at: <http://www.ombudsman.gov.ie/en/Make-a-Complaint> . Information on how to complain to the Office of the Ombudsman for Children and its processes of investigation can be found on the Office of the Ombudsman for Children website at: <http://www.oco.ie/complaints/>.

## Appendix 1

### FORM FOR MAKING A FORMAL COMPLAINT UNDER THE DIGNITY AND RESPECT POLICY

#### Please note

- This Form must be used to make a Formal Complaint under the Dignity and Respect policy.
- It should be completed with as much information as possible, dated and signed and emailed to [edi@ucd.ie](mailto:edi@ucd.ie) with Dignity and Respect Complaint in the subject **email address]**
- Documentation which you are relying on should be attached where appropriate
- A copy of the completed Form will be furnished to the Complainant

#### 1. Person making the Complaint - Details

<b>Name:</b>	
<b>Address:</b>	
<b>Email Address</b>	
<b>Contact number</b>	
<b>Position/Year:</b>	
<b>Employees/Student ID number</b>	

#### 2. The Person against whom the Complaint is made - Details (where known)

<b>Name:</b>	
<b>Address:</b>	
<b>Email Address</b>	
<b>Contact number</b>	
<b>Position/Year:</b>	

**3. Details of the alleged incidents/matters and how you consider these breach the Policy as bullying/sexual harassment/harassment**

<b>Time</b>	
<b>Date</b>	
<b>Place</b>	

**4. Please provide details of any informal attempts which have been made to resolve the matter and the outcome(s). Please note that the mediation process is strictly confidential, therefore the only information which can be disclosed is whether mediation took place, and whether it was successful or not. Please note that no details of what was discussed at mediation can be included.**

5. **Please provide details of the alleged incidents/matters including what you say was said and done and by whom including the context in which you say it was said and done and link this to the Dignity and Respect Policy. A continuation sheet can be used if necessary.**

6. Please outline any other information that you consider relevant

Signed:

Dated:

**APPENDIX 2**

**Panel of Contact Dignity and Respect Colleagues**

**Procedure Revision History**

Version	Date	Description	Author
1.0	October 16		Project Team
1.1	December 16	Edits	Plenary Group
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