



TITLE: *DIGNITY AND RESPECT POLICY*

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| Effective Date | 9 March 2022 | Version | 3 |
| | | | Policy reviewed and revised to align with the updated Code of Practice in relation to Bullying and Harassment |
| Approved By | Management Board | Date Approved | 9 March 2022 ¹ |
| | Academic Council | Review Date | 9 March 2027 <i>or as required</i> |
| Superseded or Obsolete Policy / Procedure(s) | | Owner | |
| 2 – <i>Dignity and Respect Policy</i> (8 April 2020, Management Board / 6 May 2020, Academic Council) | | Office of the Registrar and Human Resources | |
| Policy reviewed and revised to align with legislation, specifically GDPR legislation and to better distinguish the practices and procedures for both learners and staff; the role of Contact Persons was better defined; Policy Owner changed from the President's Officer to the Office of the Registrar and Human Resources. | | | |
| 1 – <i>Dignity and Respect Policy</i> (21 August 2017, Management Board) | | | |
| Initial Issue | | | |

1. Purpose of Policy

This Policy outlines Carlow College, St. Patrick's (hereafter Carlow College) commitment to an environment where every member is treated with dignity and respect.

¹ This Policy was approved by the Management Board on 2 March 2022 and the Academic Council on 9 March 2022.

The College strives to create an environment that is supportive and conducive to work and study. The College has a diverse learner, research and staff body with multiple roles and this Policy encompasses all groups in the College. The College promotes, and is committed to supporting, a collegiate environment for its staff, learners and other community members, which is free from personal harassment (on any of the nine grounds included in equality legislation), bullying and sexual harassment. These include:

- gender;
- civil status (single, married, divorced, etc.);
- family status (if you are the parent or person responsible for a child over 18, or if you are the main carer or parent of a person with a disability);
- sexual orientation;
- religion;
- age;
- disability;
- race; and
- being a member of the Traveling community.

This Policy aims to set out the College's and staff member's / learner's commitment and duty to participate in creating a positive and tolerant environment. The Policy also sets out a framework and the procedure for handling any issues that arise. This Policy seeks to encompass the diverse nature of the staff and learners on campus.

1.1 Key Principles

The concept of equality is central to the ethos of the College, where accordingly, equal respect to all members of its community is a central part of Carlow College's mission to ensuring everyone has the same opportunities to fulfil their potential free from discrimination.

The College states clearly its expectation that all members of the community will work to develop and maintain a high degree of respect and civility in our community. This does not affect the values of free open enquiry and discussion of ideas, or humour.

The *Dignity and Respect Policy* sets out to achieve the following:

- to raise awareness about the prevention of bullying and harassment;
- to support good communications amongst colleagues, staff and learners and to set standards of behaviour which are acceptable in the College community;
- to set out everyone's individual responsibility in both making themselves aware of the policy and their responsibility to resolve matters as quickly and as confidentially as possible;
- to provide methods of resolution for staff and learners in which they have a number of opportunities, both formal and informal, to resolve their individual situations; and
- to promote an environment in which diversity is respected.

1.2 Legislation and Policies which protect Dignity and Respect

This Policy is underpinned by equality legislation, namely: *Prohibition to Incitement of Hatred Act, 1989; Non-Fatal Offences Against the Person Act, 1997; Employment Equality Acts, 1998 – 2015; Equal Status Acts, 2000 – 2015; Disability Act, 2005; and Safety, Health and Welfare at Work Act, 2005.*

In addition, this Policy complies with: Access and Equality Policy; the Health and Safety Authority's Code of Practice on the Prevention of Workplace Bullying; the Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work; the Code of Practice Applying to the Employment of People with Disabilities; and the Workplace Relations Commission's (WRC) Code of Practice Detailing Procedures for Addressing Bullying in the Work Place.

The Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work came into operation on 23 December 2020, and revokes and replaces the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work 2007.

The Code sets out the responsibilities and the roles of the HSA and the WRC. It gives guidance for employees, employers and trade unions on dealing with an informal and formal bullying complaint in the workplace.

2. Definitions

2.1 Personal Harassment

Personal harassment takes many forms. As such, staff members and learners may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one staff member / learner towards another. Some examples of harassment may include:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- displaying abusive or offensive writing or material;
- unwelcome touching;
- abusive, threatening or insulting words or behaviour; or
- the use of a mobile phone, social media to harass, bully or intimidate.

The above represents a list of examples only and is not an exhaustive list.

2.2 Sexual Harassment

All staff members and learners have a right to work and study in an environment which is free from sexual harassment. Sexual harassment can be:

- persistent unwanted attention which continues after the person receiving it makes it clear that they want it to stop; and
- sexual harassment can also be a serious one-off incident.

In general, staff members and learners are free to determine what behaviour is acceptable to them and other employees / learners should respect their standards. Examples of behaviour which can constitute sexual harassment may include:

- acts of physical intimacy (such as unnecessary touching, patting or pinching or brushing against another employee's body);
- requests for sexual favours;
- gestures;
- spoken words (such as propositions or pressure for sexual activity, continued suggestions for social activity outside the work place / College after it has been made clear that this is unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendoes or lewd comments);
- the production, display or circulation of inappropriate written words, pictures or other material (for e.g. videos, etc.); or
- any conduct that is degrading, derogatory or intimidatory towards another employee / learner because of his/her gender.

The above represents a list of examples only and is not an exhaustive list.

Staff members and learners are reminded that the use of email to circulate jokes, pictures, and so on, can constitute sexual harassment and are reminded that the College may in the event of such circumstances, review emails in accordance with the College's *Communications Policy*.

2.3 Bullying

“Workplace 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 once off incident, is not considered to be bullying.”²

The following are examples of the types of behaviour considered as bullying and are prohibited by the College:

- Verbal abuse/insults
- Being treated less favourably than colleagues in similar roles
- Belittling a person's opinion
- Disseminating malicious rumours, gossip or innuendo
- Socially excluding or isolating a person within the work sphere
- Intrusion - pestering, spying or stalking
- Intimidation/aggressive interactions

² Recommended by the Report by the Task Force on the Prevention of Workplace Bullying published by the Stationery Office, March 2001.

- Excessive monitoring of work
- Withholding information necessary for proper performance of a person's job
- Repeatedly manipulating a person's job content and targets
- Blaming a person for things beyond their control
- Use of aggressive and obscene language
- Other menacing behaviour

The above list is not exhaustive and only serves as a guideline to employees and learners. Each case will be taken in isolation and dealt with in the appropriate manner. For behaviour to be considered to be bullying, it must be behaviour which can be described as outrageous, unacceptable, and exceeding all bounds tolerated by decent society.

From time to time, disciplinary and corrective action may be taken against an employee or learner and, where such action is taken in respect of an employee or learner in good faith, this will not be considered to be bullying behaviour. Furthermore, where actions are taken which can be justified on the basis of protecting the safety, health and welfare of employees then such actions will not be considered to be bullying behaviour.

2.4 Non-Verbal Abuse

The following are examples of the types of behaviour considered as non-verbal abuse and are prohibited by the College:

- the setting up a person to fail by overloading them with work or setting impossible deadlines;
- withholding information and blaming the person for being ignorant;
- ignoring, excluding and isolating a person;
- blocking promotion;
- threatening body language;
- damaging personal belongings;
- excessive monitoring; or
- making offensive / inappropriate comments via text messaging, email or via social networking sites.

The above list is not exhaustive and only serves as a guideline to employees. Each case will be taken in isolation and dealt with in the appropriate manner.

2.5 Physical Abuse

The following are examples of the types of behaviour considered as physical abuse and are prohibited by the College:

- Hitting; or
- bodily contact that is abusive in nature.

The above list is not exhaustive and only serves as a guideline to employees / learners. Each case will be taken in isolation and dealt with in the appropriate manner.

2.6 Other Forms of Harassment

Any act or conduct is considered to be harassment if it is unwelcomed to the recipient and could reasonably be seen as offensive, humiliating or intimidating to the recipient, in relation to one or more of the following characteristics of the recipient: gender; civil; family status; sexual orientation; religion; age; disability and membership of the traveller community. Such behaviour can take many forms, similar to those of sexual harassment, racial harassment or bullying. It should be noted that such behaviour may be destructive and is unacceptable.

2.6.1 Harassment by Outsiders and to Outsiders

Harassment by persons not directly connected to the College, such as clients, service providers, etc. is unacceptable and should be promptly reported. Although the College has no power to discipline the offender in such cases, upon receipt of a complaint and after investigation, it will take action in an effort to prevent reoccurrence of such conduct. All members of the College should give the same level of respect to visitors to the College, as they are a valuable part of our Community.

2.6.2 Electronic Bullying / Sexual Harassment / Harassment and the Use of Social Media

This Policy also encompasses electronic bullying / sexual harassment / harassment. This is a term used to refer to bullying / harassment / sexual harassment through electronic media and / or in the use of social media. In sending emails and in the use of all social media, all employees, learners and others should consider the content, language and appropriateness of such communications and must adhere to the Social Media Policies, *Commination Policy*, *IT Policy* and all other relevant policies. These policies are accessible via the Staff Gateway, Learner Gateway and are available on the Carlow College website. If you are unable to access these policies, please contact your relevant Line Manager, Human Resources, Students' Union, Learner Information and Retention Officer, Academic Advisor or Programme Director. These policies have been formulated to ensure that employees, learners and others are aware of their obligations when using for example, social media, the need to ensure that the use of same does not affect the College, its employees, learners and / or others and outlines the sanctions for those who do not comply with same. For example, employees, learners and / or others shall not use social media to bully, harass, sexually harass or unlawfully discriminate against employees, learners and / or others, that confidential information is not disclosed and that the personal use of social media by employees during working hours does not interfere with employment responsibilities and / or productivity etc.

2.7 Intention of the Perpetrator

The intention of the perpetrator of bullying or harassment is irrelevant. The fact the perpetrator has no intention of bullying or harassing the complainant may not be a defence.

3. Scope of Policy

This Policy applies to the behaviour of learners and staff, agency workers, contractors, clients, suppliers, service providers of the College and others on College business or engaged in activities relating to the College or providing services to the College in all locations and situations, including:

- College campus, buildings / centres in all locations;

- the campus of any other university or other place where staff or learners are representing the College;
- at events such as social functions, conferences, sporting events, field trips or work assignments which are related to the College, to a person's work / study, or at which a person is representing the College; and
- in writing, on the telephone, by email or on the internet in any College related activity. Please refer to the both the learner and staff social media policies for further information.

Where Carlow College learners or employees are on placement, internship or secondment in other organisations, they need to be aware of the dignity and respect policies of these organisations. Where a complaint is made whilst they are on placement or secondment, our learners or employees may be subject to the policies of these organisations as well as under this Policy.

4. Policy Statement

Carlow College has a strong commitment to equality, diversity and inclusion and to promoting a positive culture, which celebrates difference, challenges prejudice and ensures fairness. Our staff and learners, as members of the College community, should expect to be able to excel, and to be respected and valued for their unique perspectives and contributions. Integrity, collegiality and inclusivity are core College values, and underpin our commitment to providing an environment in which all members of the College community treat each other with dignity and respect, and where bullying, harassment and discrimination are known to be unacceptable.

5. Roles and Responsibilities

All members of the College community are expected to work to develop and maintain a high degree of respect in our diverse community and to participate in creating a positive environment. Bullying, sexual harassment and harassment can affect many aspects of college life and an individual's wellbeing, for example, there can be:

- damage to morale;
- poor performance in work or study;
- culture of fear; loss of respect;
- increased absenteeism and ill health;
- poor services to staff and learners; and / or
- damage to the College's reputation.

5.1 Responsibilities of All Staff and Learners

Individual members of the College also have a responsibility to help to ensure that unacceptable behaviour does not continue unchecked or unreported. Individual responsibility includes awareness of one's own behaviour and its potential effects on others. Those who are concerned about incidents of bullying, sexual harassment, racial harassment or other forms of harassment, e.g. as colleagues, friends, witnesses, or as people against whom an allegation has been made, should feel free to seek confidential help and advice from the sources of help listed at the back of this Policy. Other responsibilities include but are not limited to the following:

- at all times, treat all members of the College community that they interact with dignity and respect;
- positively contribute to a culture of dignity and respect;
- engage in respectful conduct or behaviour that will not endanger their own safety, health and welfare or work or that of any other person including obligations under the *Safety, Health and Welfare at Work Act, 2005*; challenge (in a dignifying manner) bullying, sexual harassment or other harassment and report any incidents witnesses; and
- to not make false, malicious or vexatious complaints. It is important to be aware that where reasonable belief exists that a complaint is false or malicious, disciplinary action may be taken against the complainant.

There are a range of roles across the College that will champion a positive culture of dignity and respect.

5.2 Staff

- All staff must comply with preventive measures introduced by management, and also through our Union Partners strategies to eliminate or avoid bullying at work.
- Employees should recognise that if an investigator finds facts, which evidence bullying at work, the matter may be dealt with through the disciplinary procedure.
- Equally if the investigator finds facts which evidence a vexatious complaint, this may also be dealt with through the disciplinary procedure.

5.3 Line Managers / Programme Directors

This group have a responsibility to implement this Policy and to make every effort to ensure it is upheld, particularly in areas for which they are responsible. They have an obligation to deal promptly and effectively with any incidents of bullying or harassment of which they are aware. This includes:

- explaining College policy to all staff and learners and ensuring understanding;
- promoting ongoing awareness;
- communicating to non-employees of the College (e.g. through signage or posters);
- being vigilant and intervene before a problem escalates;
- responding sensitively and promptly to any member of staff or learner who make a complaint, and ensuring they are not victimised for making a complaint; seeking advice from Human Resources where applicable (i.e. staff);
- ensuring that all parties are treated with dignity and respect; and
- taking action when required based on monitoring and reporting.

5.4 Learner Information and Retention Officer (LIRO)

There are several learner facing roles that act as a point of contact and support for our learners. These include Academic Advisors, Assistant Registrars, Programme Directors etc.; this list is

not exhaustive. These are all important positions that can provide information and support learners facing dignity and respect issues through the steps outlined in this Policy.

For learners who wish to seek information pertaining to this Policy in the first instance, they should seek information from the LIRO. The LIRO's role is to provide the learner with information pertaining to the steps and procedures they should navigate in the event of grievances and/or dignity and respect.

The role of the LIRO is to:

- act as the first point of contact for all grievance / dignity and respect related queries, providing accurate and informed Information and guidance in relation to College policies, potential next steps and associated documentation and relevant forms;
- encourage learners to resolve issues at local level in the first instance in relation to grievances and Dignity and Respect related issues;
- respond sensitively and promptly to learners who are raising dignity and respect issues;
- be familiar with the *Dignity and Respect Policy* and its associated document;
- promote ongoing awareness of the policy and a culture of dignity and respect;
- be able to refer learners to sources of help and seek advice as appropriate;
- direct learners to the correct person in relation to their specific queries (i.e. Academic Advisor / Programme Directors etc.); and
- liaise with the relevant department managers, programme directors and all line managers to ensure consistency and compliance with all policies.

5.5 Academic Advisors

The role of the Academic Advisor is to:

- be fully aware of this policy and its subsequent procedures; and
- to refer, if and when applicable, the learner to the LIRO for information pertaining to this Policy.

5.6: Human Resources / Office of the Registrar (As Appropriate)

The role of Human Resources and the Office of the Registrar (as appropriate) is to:

- to oversee the implementation of the College policy in relation to staff and learners in a fair and transparent manner;
- to raise awareness and develop best practice and policy;
- to provide advice and training to Line Managers, Programme Directors, Academic Advisors and Contact Persons on handling bullying and harassment matters;
- to advise on the operation of the policy and options available for the progression and resolution of dignity and respect matters;
- provide referrals to the Dignity and Respect Contact Persons and other services as appropriate (e.g. Employee Assistance Programme, Student Counselling, Chaplaincy, Occupational Health Service);

- to co-ordinate the Panel of Contact Persons (where applicable);
- to provide advice to staff and learners (complainants, respondents, witnesses) on the policy and procedures; and
- encourage staff members and learners to speak with the Support Contact Person / Line Manager / Human Resources and / or other relevant services and roles.

5.7 Our Union Partners

In collaboration with College Management, our Union Partners are equally committed to embedding a culture of Dignity and Respect and the prevention of bullying in the workplace. Both the College and our Union Partners participate in the development and implementation of policies and procedures.

Our Union Partners will play a pivotal role in providing information, advice and representation to employees who have been bullied at work, and to employees against whom allegations of bullying at work have been made.

5.8 Students' Union

The Students' Union plays an important role in providing information, advice and support to learners who feel that they are being bullied or harassed or against whom complaints have been made. The Policy requires the Students' Union representatives to co-operate with efforts by Programme Directors, Academic Advisors, and Managers and all other relevant people associated with this policy to resolve complaints through the policy.

Learners can be accompanied by a member of the Students' Union, contact person or a fellow classmate.

5.9 Contact Persons

A Dignity and Respect Contact Person is specially trained to advise on the options available under the policy for resolving dignity and respect matters for employees and learners. In the case of employees, it is strongly recommended that parties engage with this service if they feel that they cannot bring the issue to the attention of their line manager. In the case of learners, the initial contact should be with the Learner Information and Retention Officer, relevant Programme Director, or relevant personnel and following discussions they will advise if the learner should engage with a Dignity and Respect Contact Person.

The College 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 learners and employees, as appropriate. An alternative to approaching the person causing offence directly, complainants can discuss with their Line Manager (staff) or Programme Director (learners). Following discussions with a Line Manager, Programme Director or relevant management level, learners may be advised to contact a Contact person.

The role of the Contact Person is to listen independently, advise on the operation of the policy and the procedure, provide options and potential pathways for resolution of issues in a positive, solution focussed manner.

A Dignity and Respect Contact Person will not operate in a representative capacity and will not be interviewed or be involved in a formal investigation of a complaint (i.e. they will not be interviewed as a witness). Their role is categorised under two headings: information and facilitation.

5.9.1 Information

Under information, the Contact Persons primary function is to:

- assist the staff member or learner with handling the matter directly;
- listen independently, advise on the operation of the policy and the procedure;
- set out options available for the progression and resolution of dignity and respect matters;
- intervene on the behalf of the staff member or learner under the informal procedures if the staff member or learner feels they cannot do so (it is important to note that Contact Persons can only act with the agreement of the staff member or learner requesting assistance);
- signpost and provide advice on other services (e.g. Employee Assistance Programme and Student Counselling Services); and
- liaise with Human Resources / Office of the Registrar (as appropriate) regarding referrals to the mediation process or request for information about mediation.

5.9.2. Facilitation

Under facilitation, the Contact Persons primary function is to:

- provide support to colleagues / learners to resolve a dignity and respect issue. This applies to the person raising the issue and the person against whom the issue is being raised against where both parties agree to this;
- act as a facilitator in providing options for the resolution of issues (where both parties agree to meet). There will be certain cases where this service will not be appropriate;
- provide a supportive environment in which to discuss problems;
- refer the individual(s) on to another support contact or service where necessary; and
- offer for both parties to engage in mediation, however, both parties must be willing. Mediation and / or Facilitation can be by internal mediators or external mediators as appropriate.

The person raising the issue can ask the Dignity and Respect Contact Person to speak with the person that is the subject of the complaint 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.

A contact person may join you at meetings throughout the process subject to their availability. Alternative representation at this stage will be suggested to you by the Contact person i.e. a fellow learner / fellow colleague. *Please see right to representation in the Dignity and Respect Handbook.*

5.9.3 Coordination of the Contact Persons

The Panel of Contact Persons is appointed by the Office of the Registrar / Human Resources to help to resolve cases. The Contact Persons offer a confidential service. It is part of the informal structure of this Policy.

5.9.4 Contact Person Panel List

A list of Contact Persons and their contact information can be obtained in the Contact Details for Sources of Help (Appendix 13).

6. Associated Documentation

- Dignity and Respect Policy Handbook

7. Referenced Policies

- *Data Protection Policy*
- *Disciplinary Policy (Staff)*
- *Child Protection Policy*
- *Communications Policy*
- *Equality Policy*
- *Fitness to Continue in Study Policy*
- *Internet and Email Usage Policy*
- *IT Policy*
- *Learner Code of Conduct and Disciplinary Policy*
- *Learner Grievances and Complaints Policy*
- *Records Management Policy*
- *Recruitment and Selection Policy*
- *Social Networking and Social Media Policy for Staff*
- *Social Networking and Social Media Policy for Learners*

A number of other policies are currently in development which will be released through the Quality Assurance process to support, and in conjunction with, this Policy. All employees and Learners should ensure to keep abreast of policy developments within the College and speak with the relevant people:

Staff: Line Managers, Quality Assurance, Contact Person(s) or Human Resources

Learners: Learner Retention and Information Officer (LIRO), Programme Director, Academic Advisors, Contact Person(s)

The College reserves the right to amend these policies subject to organisational changes.

8. Monitoring and Review

The *Dignity and Respect Policy* will be subject to continuous assessment and evaluation and will be formally reviewed on an annual basis by the Office of the Registrar and Human Resources.

Where there is more than one College procedure (and / or policies) applicable to any one matter, this will be reviewed by the HR Manager (or nominee) and / or the Office of the Registrar (or nominee). This group shall decide which of the College's procedures (and / or policies) should

have priority or be the most appropriate in the circumstances and may direct the continuation of some procedure(s) (and / or policies) and the suspension of others pending the outcome of the former.

The College is committed to reviewing this Policy on a regular basis in line with changes in the law, relevant case-law or other developments.

8.1 Training and Staff Development and Communications

Training and public awareness will be developed in the College to support the implementation of this Policy. This will include visible literature and publishing the policy on the Carlow College website.

Breaches of this Policy and its subsequent and related practices and procedures will be subject to the organisations disciplinary action up to and including dismissal.