Dignity and Respect Policy Handbook

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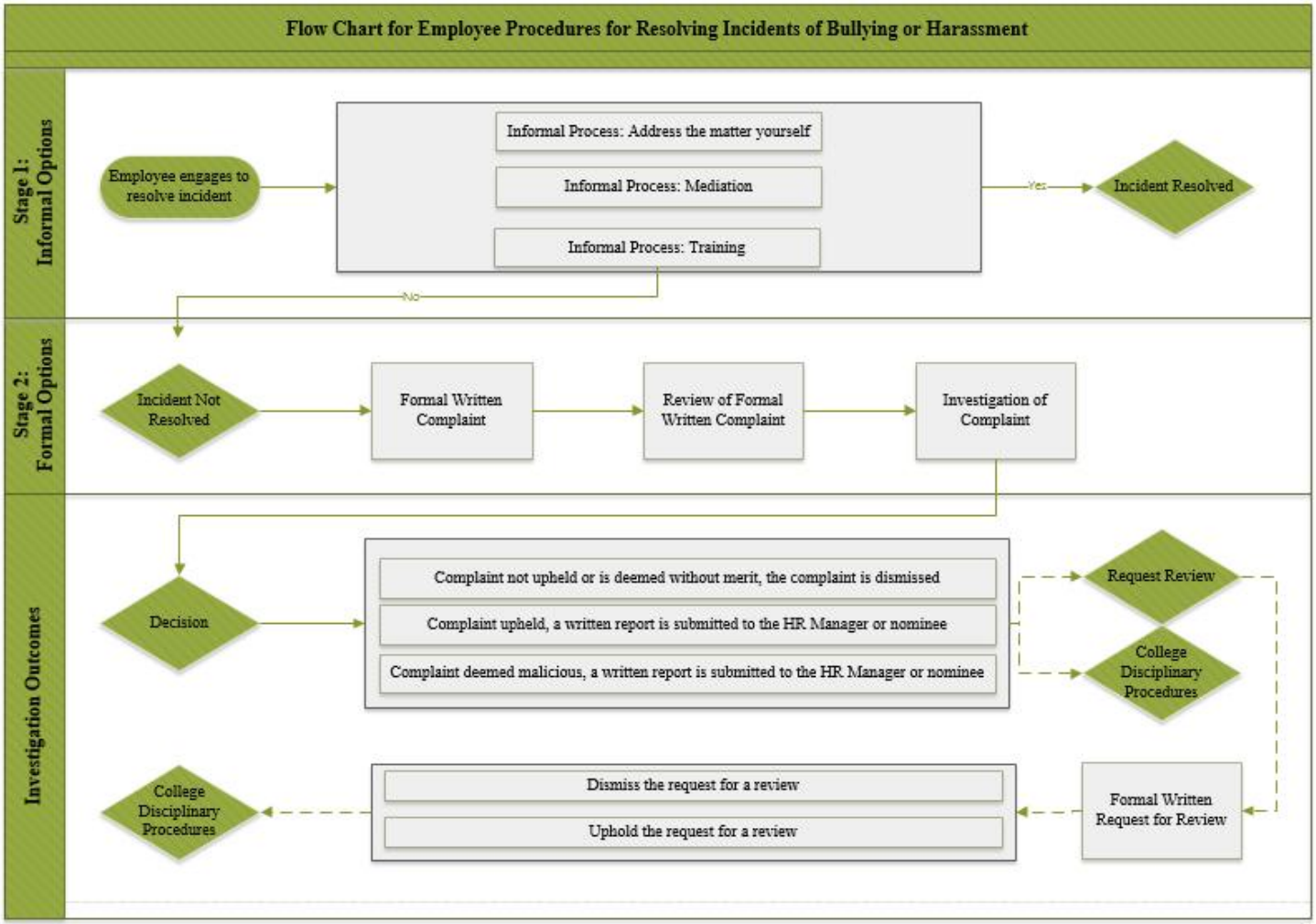
Appendix 1: Flow Chart for Employee Procedures for Resolving Incidents of Bullying or Harassment



Appendix 2: Employee Procedures for Resolving Incidents of Bullying or Harassment

COLÁISTE CHEATHARLACH
NAOMH PÁDRAIG
CARLOW COLLEGE
ST. PATRICK'S

Employee Procedures for Resolving Incidents of Bullying or Harassment

All complaints of harassment, sexual harassment and bullying will be treated seriously and with due regard to the sensitivities of the complainant and to the rights of the person against whom the complaint has been made. We recognise that complaints of personal harassment and particularly of sexual harassment can sometimes be of some special categories of data or intimate in nature. Complaints will be dealt with promptly and sensitively.

Experience in College suggests that it is preferable for a person who feels that they are being bullied or harassed to use one or all of the following steps – informal, workplace mediation or formal steps.

Early intervention matters

As a general principle, it is worth emphasising that early intervention offers the best possible potential for a good outcome, particularly regarding restoring workplace relationships. However, this does not equate with a rushed approach. Each case should be treated on its own merit. A matter that is protracted, for whatever reason, becomes more difficult to resolve in a positive way. Set out hereunder is both an informal and formal procedure for dealing with a workplace bullying complaint.

A person may prefer to proceed directly to the mediation or formal process and their decision to bypass the informal process should not be held against them.

The options available to you to resolve incidents of Bullying and Harassment are as follows:

1. Informal Process: Addressing the matter yourself
2. Informal Process: Mediation
3. Informal Process: Training
4. Formal

1. Informal Process: Addressing the matter yourself

A prompt and informal problem-solving approach offers the best potential for addressing allegations of bullying effectively. This collaborative and non-adversarial approach is particularly important in situations where people must continue to work together into the future. The focus is always on the future workplace relationship and a problem-solving orientation. Confidentiality is essential and is to be respected by all.

An informal approach may effectively address the unwanted behaviour without recourse to any other action. Sometimes the person who is alleged to be engaging in the behaviour is genuinely unaware that the behaviour being complained of is disrespectful or unwelcome or undermining and/or causing distress.

An informal approach can often resolve difficult situations with the minimum of conflict and stress for the individuals involved. This in no way diminishes the issue of the effects on the individual.

If you feel you are being bullied, you should attempt to explain to the alleged bully that their behaviour is unacceptable but only if you feel comfortable in doing so. This should be done quickly and calmly, focusing on the facts regarding acts done and their consequences. If it is more suitable, the individual who perceives that they are the recipient of unacceptable behaviour should put their concerns in writing, again focusing on the offending acts and their effects on them. If you find it difficult to approach the alleged bully alone, then seek help and advice from the nominated Contact Person. They will listen, be supportive and explain the various options open to you. A list of the Dignity and Respect Contact Persons can be found on the Staff Portal and Learner Portal in the folder containing the *Dignity and Respect Policy*. This list is also found outside of the LIRO Office and the HR Office.

1. You may ask the Contact Person to assist you with raising the issue with the alleged bully. The Contact Person will approach the alleged bully in a confidential, non-confrontational discussion to try to resolve the matter in a low-key manner.

2. You can also in addition to speaking with the Contact Person, contact the Employee Assistance Programme (EAP) and seek a telephone support counselling session. They also have a very helpful website, which provides numerous guides and information on how to manage such situations. They will talk you through the issues at hand, help relieve the stress, and will work with you on a strategy for handling the matter.

3. You can also speak to your Line Manager (see steps below) and/or Human Resources in confidence to seek guidance and information relating to this policy.

4. As outlined above, it is important to seek support. It is however, important that you limit this to one/two trusted people who also ensure to keep the matter confidential. You should not discuss the matters with others in the department, unless absolutely necessary and you are willing to address the matter.

1.1 Informal Process: Addressing the matter yourself – Discuss with your Line Manager (Facilitation)

Line Managers are also named as one of the official people that staff can contact in relation to bullying and harassment. Line Managers roles are outlined earlier in this policy which includes responsibilities for ensuring staff are aware of the policy with the primary aim of always working towards a positive atmosphere and early resolution.

1. The person raising an issue may discuss it with their Line Manager 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 may meet with both parties separately. Parties are strongly encouraged to engage in this facilitation.

2. Where unwelcome behaviour has occurred, and is admitted, the Line Manager should be clear that it is not acceptable and take appropriate action.

3. If the person causing offence is the Manager, 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 the HR Office. A further alternative is to contact a trained Dignity and Respect Contact Person.

4. If the staff member does not wish to engage in facilitation, Line Managers should advise them of the other recourse steps available to them as outline in this policy.

1.2 If a staff member should approach you, please follow these steps:

1. Treat the staff member with sensitivity without taking sides.

2. Remind the staff member that confidentiality is paramount in this matter.

3. You should discuss the difference between dealing with the issue informally or formally or through facilitation and mediation.

4. Explain the role of the Contact Persons and refer on if required, do a welfare check on the person, do they need a referral to the Employee Assistance Programme.

5. You should keep a Record Form to say the person met with you in regard to bullying and harassment and that you gave them the policy and a referral to the relevant person(s) as outlined in this policy. This should be dated (See Appendix 14 and 15).

6. Provide the employee with the web reference for the policy and/or a copy of the policy.

7. Should facilitation at the informal stage be unsuccessful between both parties, advise them again of the Policy procedures and advise them to seek guidance from a trained Contact Person.

8. If the person wishes to make a formal complaint to you, this must be done in writing and advise them to seek guidance and support from a Contact Person. Please contact the Human Resources Office for relevant guidance regarding next steps and records.

9. If a complaint is in writing, seek immediate advice from the Human Resources Office. If a manager has been involved in a facilitation process between both parties, they will not be involved in the Investigation Panel.

2. Informal Process: Mediation

The College supports the use of workplace mediation as an alternative method of resolving complaints. Workplace mediation is an informal process, through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and strictly private and confidential. Both parties must be willing to take part and agree to the appointment of a Mediator. If the parties agree to this approach, the College will appoint either an internal or an external neutral and impartial Mediator, with the agreement of the parties, to facilitate the process.

3. Informal Process: Training

The College will endeavour to provide training to all parties who feel they would benefit. Often those whose behaviour is causing problems may be unaware of or insensitive to the impact of their actions and training can help change behaviour and prevent future incidents.

4. Closure of informal stage

It is important to obtain closure after a resolution is found through the informal procedures above.

- Both parties should be given support or periodical reviews, insofar as is reasonable, which, if necessary, could include counselling or other appropriate interventions or support services.

- Where a complaint has been assessed as vexatious, the matter should be progressed through other relevant procedure.

- In many situations, with the co-operation of all parties, the matter can rest here.

- A review meeting will be conducted within one month.

5. Formal Process

It is good practice that all informal resolution avenues – as set out above – should be contemplated and where appropriate, exhausted before a formal process is invoked. Proceeding to a formal process should not be viewed as automatic and it is important that it be recognised that it is the reasonable evidence-based decision of management. Escalating a complaint to a formal process should only be done following a review of all aspects of the circumstances surrounding matters complained about.

Please note the College reserves the right to invoke a formal investigation depending on the seriousness of the complaint.

a. A formal written complaint must be given to your Line Manager / Human Resources. The complaint should only contain precise details of actual incidents of bullying or harassment. A written statement can include:

    - the name of the alleged harasser/bully
    - the nature of the alleged harassment/bullying
    - the dates and times when the alleged harassment/bullying occurred
    - the names of any witnesses
    - any action already taken by you to stop the alleged harassment/bullying.

b. A Formal written complaint must be used to make a formal complaint. On receipt of the letter, the Line Manager and/or Human Resources will review the letter to ensure that it is aligned to this Procedure.

c. Should the complaint not fall under the remit of this Policy, HR and/or the Line Manager will meet with the staff member to offer information and advice on alternative steps and policies, which can be applied.

d. Should the complaint fall under this policy and its procedures, Human Resources will designate an Investigation Panel to undertake an investigation.

e. In the case of an employee and a learner(s) being involved in the complaint, the HR Manager or their nominee will consult with the Office of the Registrar or their nominee when appointing the Panel.

f. The complaint will normally be acknowledged within 5 working days of receipt of the Formal letter. The Chair of the Investigation Panel will issue this acknowledgement letter to the complainant.

g. Should the complaint fall under this policy and its procedures, a letter will also be sent to the alleged respondent to inform them that a formal complaint has been made against them. All parties will receive a letter setting out the terms of reference, scope and process for the investigation. Details of the complaint will be given to the

respondent and the respondent will be given the opportunity to respond to the allegations.

h. An initial examination (exploration meeting) will be carried out by an Investigation Panel who will determine the appropriate course of action to be taken e.g. a mediated solution or attempt to resolve the situation informally or decide if it should be progressed to a formal investigation. If these courses of action prove to be inappropriate or inconclusive, then a formal investigation of the complaint will take place to determine the facts and credibility of the allegations. The Panel will consist or two to three trained individuals. *Please see Investigation Process below.*

It is important to note that a number of investigation meetings may occur and all those involved are asked to co-operate with investigations under this procedure.

5.1 Investigation

a. The investigation will be carried out by a designated Investigation Panel, consisting of approximately two – three people, if necessary, in the case of any possible conflict of interest, an agreed external third party. The Investigation Panel should be involved in all stages of the investigation, including the interviewing of witnesses and parties to the complaint. In either case, the Panel nominated should be familiar with the procedures involved. The investigation will be thorough, objective and confidential. It will be conducted with sensitivity and respect for the rights of the complainant and the alleged bully.

b. The Panel will meet with the complainant, the alleged Respondent and any witnesses or other relevant persons individually. The purpose of these meetings is to establish the facts about the allegations, set a timeframe, all of which will be completely confidential.

c. The complainant and the alleged respondent have the right to be accompanied by a work colleague, contact person, colleague or employee / trade union representative.

d. The Panel investigating the complaints will make every effort to carry out and complete the investigation as quickly as possible. The time frames will be mutually agreed between all parties. Should the investigations require more time; the Panel will discuss this with all parties, providing reasons for same.

e. When the investigation is complete, a written report will be submitted to both parties, which will contain the findings of the investigation.

f. Both the complainant and the respondent will be given the opportunity to comment on the findings of the investigation before any action is decided by the Panel. Both the Complainant and the Respondent will have five days to respond to the Investigation Panel.

The investigation process may include a formal complaint and a formal investigation. The purpose of an investigation is to set up a fact-finding approach and determine the facts and credibility or otherwise of a complaint of alleged bullying. It is a significant step and all parties should be aware of possible consequences. The outcome of an investigation may eventually, separately lead to a disciplinary process being instigated in respect of the person complained about, but the investigation itself will be a fact-finding one with the focus on what, or did not occur.

Possible recommendation following an investigation can include training, counselling and mediation.

5.2 Investigation Outcome(s)

a. Where the Investigation Panel do not uphold the complaint or find that the matter complained of is without merit, the Panel may dismiss the complaint, and will so inform the complainant and the respondent in writing. Panel must set out the reasons for a complaint not being upheld. A written report will also be sent to the HR Manager (or nominee) and / or Line Manager as appropriate, setting out the details of same.

b. Where the Panel upholds the complaint in whole or in part, they will submit a written report to the HR Manager (or nominee) and / or Line Manager as appropriate, setting out the details of the complaint and the reasons for upholding the complaint.

c. Where the Panel is of the opinion that the complaint is malicious, the Panel will submit a written report to the HR Manager (or nominee) and / or Line Manager as appropriate. The Panel 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.

Please note the following important outcome points:

a. If it is found that the complaint is well founded, the matter will be treated as a serious disciplinary issue and the College will follow the appropriate disciplinary procedures, which may lead to disciplinary action up to and including dismissal.

b. If it is found that the complaint is not upheld, the complainant can be assured that bona fide complaints will not be viewed as malicious. However, complaints which are found to be malicious will be treated as serious misconduct under the disciplinary procedure. This provision should not deter employees from reporting genuine complaints.

c. If you bring a complaint of harassment, you will not be victimised for having brought the complaint. However, if the report concludes that, the complaint is both untrue and has been brought with malicious intent; disciplinary action will be taken against you.

d. Similarly, if an employee supports a colleague in bringing a complaint of harassment or if an employee gives evidence in respect of such a complaint of harassment then that employee will not be victimised for doing so. However, where it is concluded that an employee supported a colleague's harassment claim, which they knew to be false or malicious, or if the supporting employee deliberately gave factually inaccurate evidence to substantiate a colleague's harassment claim, then disciplinary action may be taken against that supporting employee, up to and including dismissal.

e. Every effort shall be made to carry out and complete the investigation as quickly and efficiently as possible, having due regard for all circumstances.

5.3 Review / Appeals

a) Both parties have a right to appeal the panel's decision.

b) 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.

c) The reason for the appeal should be outlined in writing to management if such an option is being taken. The request for an appeal must set out the grounds for seeking the appeal in sufficient detail. The request for a review must be submitted to the President (or nominee) as appropriate within 7 working days of notification of the outcome of the investigation.

d) The appeal will be heard by another party who has had no involvement in the investigation.

e) The appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. It should be noted that an appeal is not a re-hearing of the original issues.

f) The President (or nominee) will communicate the decision in writing to the complainant and respondent normally within 10 working days of the determination of the request for the review. The individuals will be notified in advance if this timeframe has become delayed. An alternative timeframe will be agreed between both parties.

g) The outcome of the appeal shall be final, insofar as the employer duties under health and safety legislation is required.

NB: The College may refer the appeal to an outside independent support.

6. Closure of Formal Process

It must be accepted that investigations can result in very divisive relationships for individuals, teams and departments. The College will therefore, consider and provide some type of reconciliation or rehabilitative meetings, or team working as appropriate supports to restore healthier working communication for the future. In many situations, with the co-operation of all parties, the matter can rest here.

In light of the investigation report and the findings of fact therein, the College will decide what action is to be taken arising from that report. The College shall then, in writing, inform both the complainant and the person complained against, of the next steps.

At the end of the formal process, documentation should be kept by the employer, in line with the relevant Data Protection Legislation.

6.1 Investigation Meetings Information

Investigation meetings will be held in confidence and with sensitivity, and all staff will be treated with dignity and respect. Confidentiality is required of all parties involved in the investigation. A written record of all meetings shall be kept.

Those attending an investigation meeting will be told in advance of the meeting of:

a. The following information relevant to the meeting:

   - the purpose of the meeting;
   - the complaint being investigated;
   - the time and venue;
   - their right to representation; and
   - that the investigation may lead to disciplinary action.

b. All material relevant to the complaint will be made available to the respondent during the course of the investigation.

c. The respondent will get the full details of matters under investigation and have the opportunity to respond to them fully.

d. Further investigation meetings may be scheduled if required as issues arise. Every effort will be made to complete the investigation as quickly as possible, and within an agreed timeframe if possible.

e. Staff are obliged to co-operate with investigations held under this procedure.

6.2 Principles of the Formal Procedure

The following are the fundamental principles of the formal procedures Carlow College with adhere to:

a. All formal complaints will be initially assessed by the College to ensure that they fall within the *Dignity and Respect Policy* and not another policy / procedure.

b. All parties involved in this procedure must ensure that they maintain the confidentiality of the process within and outside the College within the parameters set out in this Policy.

c. 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.

d. In cases alleging sexual harassment, the College will ensure that at least one of the investigators will be of the same gender as the complainant.

e. At all formal meetings, both parties will have the right to be accompanied by a representative / colleague (see below for representation).

f. The College 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

g. 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

h. 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.

i. All parties are required to maintain professional interactions.

j. The role of the Investigation Panel is independent and all parties need to respect this.

k. All investigations will be carried out with fairness taking into account the principles of natural justice.

Please see the *Industrial Relations Act 1990 (Code of Practice For Employers and Employees on the Prevention and Resolution of Bullying At Work)* Order 2020, for further information.

7. Withdrawal of Claims

From time to time people make a complaint and then do not wish to proceed. The College has a duty of care to take all complaints seriously, this will include discussing the appropriate procedures and referral through the process. Consent will be sought from both parties to drop the investigation, otherwise the investigation will proceed.

Withdrawal of claims will be taken seriously. The withdrawal must be made in writing to the Human Resources Department.

The College reserves its right to investigate a claim that has been withdrawn and/or the reason for which is being withdrawn.

8. False / Malicious Allegations

Raising a false or malicious allegation is a serious breach of this policy. Complaints, which are found to be malicious, will be treated as serious misconduct under the disciplinary procedure. This provision should not deter learners from reporting genuine complaints.

9. Counter Allegations

Any counter allegation will be treated as a separate complaint. However, should a counter allegation happen at the early stage of the initial complaint, it can be investigated in the same process. Any counter allegation which happens at a later stage will be dealt with separately. The Investigation Panel must document its decision as to whether a counter allegation is investigated as part of the one process or separately.

The counter allegation will be expected to be written. The Procedures above apply to the complaint in every regard, and the case shall be investigated within the procedures outlined under this policy.

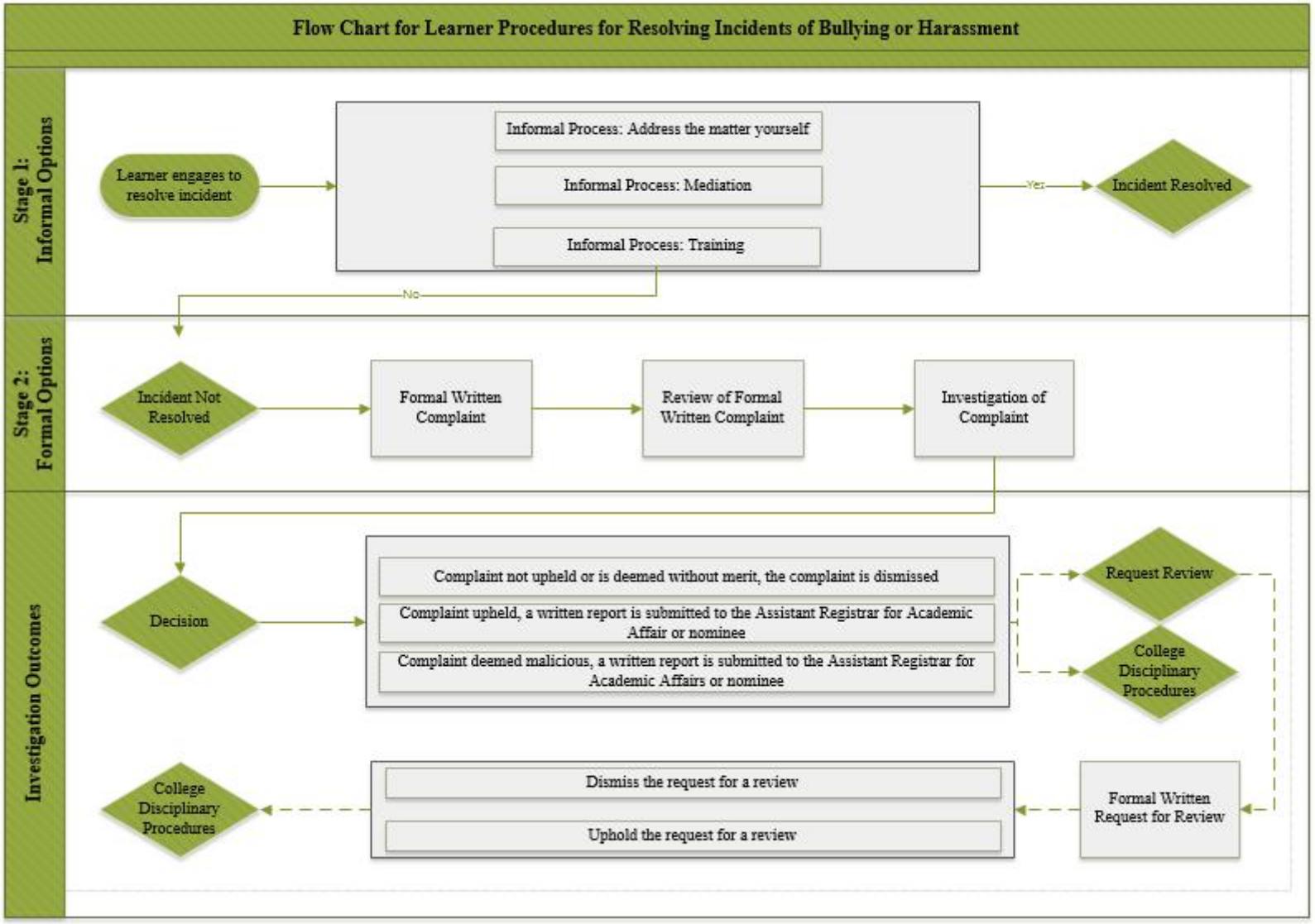
10. Right to Representation

At investigation stage, all parties may be accompanied by a work colleague, a Contact Person or a trade union official. The role of the person accompanying either the complainant, responder or witness is to act as support. They are permitted to make an open and closing statement, however, they should not answer questions for the person being interviewed. During the meeting, the individual can take some time to consult with the person accompanying them (in private if necessary) as long as it does not cause too much disruption to the meeting.

During an investigation, there is transparency of documentation. The complainant and respondent's statement(s) will be shared in advance of any meetings in order to allow each individual the opportunity to fully respond. All statements including witness statements and

other documentation submitted will be shared with both the complainant and the respondent during the investigation.

Appendix 3: Flow Chart for Learner Procedures for Resolving Incidents of Bullying or Harassment



Appendix 4: Learner Procedures for Resolving Incidents of Bullying or Harassment

COLÁISTE CHEATHARLACH
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ST. PATRICK'S

Learner Procedures for Resolving Incidents of Bullying or Harassment

All complaints of harassment, sexual harassment and bullying will be treated seriously and with due regard to the sensitivities of the complainant and to the rights of the person against whom the complaint has been made. We recognise that complaints of personal harassment and particularly of sexual harassment can sometimes be of some special categories of data or intimate in nature. Complaints will be dealt with promptly and sensitively.

Experience in College suggests that it is preferable for a person who feels that they are being bullied or harassed to use one or all of the following steps – informal, college-based mediation or formal steps. A person may prefer to proceed directly to the mediation or formal process and their decision to bypass the informal process should not be held against them.

The options available to you to resolve incidents of Bullying and Harassment are as follows:

1. Informal
2. Informal: Mediation
3. Informal Process: Training and Counselling
4. Formal

1. Informal Process: Addressing the matter yourself

An informal approach can often resolve difficult situations with the minimum of conflict and stress for the individuals involved. This in no way diminishes the issue of the effects on the individual.

1. If you feel you are being bullied, you should attempt to explain to the alleged bully that their behaviour is unacceptable. Learners in the first instance should seek information from the LIRO on this policy and its subsequent procedures.

2. If you find it difficult to approach the alleged bully alone then seek help and advice from the nominated Contact Person. The Contact Peron will listen, be supportive and explain the various options open to you. A list of the Dignity and Respect Contact Persons can be found on the Staff Portal and Learner Portal in the folder containing

the Dignity and Respect Policy. This list is also found outside of the LIRO Office and the HR Office.

3. Contact Persons are required to keep a brief written record, in line with data protection legislation, of the matter and agreed actions (see Appendix 14)

4. You may ask the Contact Person to assist you with raising the issue with the alleged bully. The Contact Person will approach the alleged bully in a confidential, non-confrontational discussion to try to resolve the matter in a low-key manner.

5. You can also in addition to speaking with the Contact Person, contact a member of the Counselling team, Chaplain and/or nurse and seek a support counselling session. They will talk you through the issues at hand, help relieve the stress, and will work with you on a strategy for handling the matter.

6. As outlined above, it is important to seek support. It is however, important that you limit this to one/two confidential people i.e. the Contact Persons/Counsellors. You should not discuss the matters with others, unless absolutely necessary, and you are willing to address the matter.

1.1 Informal Process: Addressing the matter yourself – Discuss with your Programme Director (Facilitation)

Programme Directors are also named as one of the official people that learners can contact in relation to bullying and harassment. Programme Director roles are outlined earlier in this policy which includes responsibilities for ensuring learners and staff are aware of the policy with the primary aim of always working towards a positive atmosphere and early resolution.

1. The person raising an issue may discuss it with their Programme Director 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 Programme Director may meet with both parties separately. Parties are strongly encouraged to engage in this facilitation.

2. Where unwelcome behaviour has occurred, and is admitted, the Programme Director should be clear that it is not acceptable and take appropriate action.

3. If the person causing offence is the Programme Director, then the person raising the issue is advised to contact a person at the next level i.e. Head of Academic Delivery and Programmes, If they feel unable to raise the issue within the Academic Line Management levels, they can contact the LIRO for further information. A further alternative is to contact a trained Dignity and Respect Contact Person.

4. If the learner does not wish to engage in facilitation, Programme Directors should advise them of the other recourse steps available to them as outlined in this policy.

1.2 If a learner should approach you, please follow these steps:

1. Treat the learner with sensitivity without taking sides.

2. Remind the learner that confidentiality is paramount in this matter.

3. You should discuss the difference between dealing with the issue informally or formally or through facilitation and mediation.

4. Explain the role of the Contact Persons and refer on if required, do a welfare check on the person, do they need a referral to the relevant supports as outlined in the Policy.

5. You should keep a Record Form (Appendix 14) to say the person met with you in regard to bullying and harassment and that you gave them the policy and a referral to the relevant person(s) as outlined in this policy. This should be dated.

6. Provide the learner with the web reference for the policy and/or a copy of the policy.

7. Should facilitation at this stage be unsuccessful between both parties, advise them again of the Policy procedures and advise them to seek guidance from a trained Contact Person.

8. If the person wishes to make a formal complaint to you, this must be done in writing and advise them to seek guidance and support from a Contact Person.

9. If a complaint is in writing, seek immediate advice from the Office of the Registrar. If a Programme Director has been involved in a facilitation process between both parties, they will not be involved in the Investigation Panel.

2. Informal Process: Mediation

The College supports the use of mediation as an alternative method of resolving complaints. Mediation is an informal process, through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and strictly private and confidential. Both parties must be willing to take part and agree to the appointment of a Mediator. If the parties agree to this approach, the College will appoint either an internal or external neutral and impartial Mediator, with the agreement of the parties, to facilitate the process.

3. Informal Process: Training

The College will endeavour to provide training to all parties who feel they would benefit. Often those whose behaviour is causing problems may be unaware of or insensitive to the impact of their actions and training can help change behaviour and prevent future incidents.

4. Formal Process

Where the problem is not resolved through any of the informal methods or the complainant chooses to not use the informal channels, the formal complaints process may be used. Please note the College reserves the right to invoke a formal investigation depending on the seriousness of the complaint.

a. A formal written complaint must be given to your relevant Programme Director. The complaint should only contain precise details of actual incidents of bullying and harassment. A written statement can include:

   - the name of the alleged harasser/bully
   - the nature of the alleged harassment/bullying
   - the dates and times when the alleged harassment/bullying occurred
   - the names of any witnesses
   - any action already taken by you to stop the alleged harassment/bullying.

b. A Formal written complaint must be used to make a formal complaint. On receipt of the letter, the Programme Director will review the letter to ensure that it is aligned to this Policy.

c. Should the complaint not fall under the remit of this Policy, the Programme Director will meet with the learner to offer information and advice on alternative steps and policies which can be applied.

d. Should the complaint fall under this Policy and its procedures, the Programme Director will refer the letter to the Head of Academic Delivery and Programmes, who will designate an Investigation Panel to undertake an investigation.

e. In the case of an employee and a learner(s) being involved in the complaint, the Head of Academic Delivery and Programmes will consult with the Head of HR (or nominee) when appointing the Investigation Panel.

f. The complaint will normally be acknowledged within 5 working days of receipt of the formal letter. This acknowledgement letter will be issued to the complainant by the Investigation Panel.

g. Should the complaint fall under this Policy and its procedures, a letter will also be sent to the alleged respondent to inform them that a formal complaint has been made against them. All parties will receive a letter setting out the terms of reference, scope and process for the investigation. A copy of the complaint will be given to the respondent and the respondent will be given the opportunity to respond to the allegations.

h. An initial examination (exploration meeting) will be carried out by Investigation Panel who will determine the appropriate course of action to be taken e.g. a mediated solution or attempt to resolve the situation informally or decide if it should be progressed to a formal investigation. If these courses of action prove to be inappropriate or inconclusive, then a formal investigation of the complaint will take place to determine the facts and credibility of the allegations. The Investigation Panel will consist or two to three trained individuals. *Please see Investigation Process below.*

It is important to note that a number of investigation meetings may occur and all those involved are asked to co-operate with investigations under this procedure.

4.1. Investigation

a. The investigation will be carried out by a designated Investigation Panel, consisting of approximately two / three people, if necessary, in the case of any possible conflict of interest, an agreed external third party. The Investigation Panel should be involved in all stages of the investigation, including the interviewing of witnesses and parties to the complaint. In either case, the Panel should be familiar with the procedures involved. The investigation will be thorough, objective and confidential. It will be conducted with sensitivity and respect for the rights of the complainant and the alleged bully.

b. The Panel will meet with the complainant, the alleged respondent and any witnesses or other relevant persons individually. The purpose of these meetings is to establish the facts about the allegations, set a timeframe, all of which will be completely confidential.

c. The complainant and the alleged respondent have the right to be accompanied by a fellow learner, Contact Person or Students' Union Representative.

d. The Panel investigating the complaint will make every effort to carry out and complete the investigation as quickly as possible. The time-frames will be mutually agreed between all parties. Should the investigations require more time, the Panel will discuss this with all parties, providing reasons for same.

e. When the investigation is complete, a written report will be submitted to both parties which contain the findings of the investigation.

f. Both the complainant and the respondent will be given the opportunity to comment on the findings of the investigation before any action is decided by the Panel. Both the Complainant and the Respondent will have five days to respond to the Investigation Panel.

Possible recommendation following an investigation can include training, counselling and mediation.

4.2 Investigation Outcome(s)

a. Where the Investigation Panel does not uphold the complaint, or finds that the matter complained of is without merit, the Panel may dismiss the complaint, and will so inform the complainant and the respondent in writing. The Panel must set out the reasons for a complaint not being upheld.

b. Where the Panel upholds the complaint in whole or in part, they will submit a written report to the Head of Academic Delivery and Programmes or nominee as appropriate, setting out the details of the complaint and the reasons for upholding the complaint.

c. Where the Panel is of the opinion that the complaint is malicious, they will submit a written report to the Head of Academic Delivery and Programmes or nominee as appropriate. The Panel will send copies of the report to the complainant and to the respondent. The complainant in this instance will be subject to the *Learner Code of Conduct and Disciplinary Policy*.

d. If it is found that the complaint is well founded, the matter will be treated as a serious disciplinary issue and the College will follow the appropriate learner disciplinary procedures detailed in the *Learner Code of Conduct and Disciplinary Policy*.

e. If it is found that the complaint is not upheld, the complainant can be assured that bona fide complaints will not be viewed as malicious. However, complaints which are found to be malicious will be treated as serious misconduct under the disciplinary procedure. This provision should not deter learners from reporting genuine complaints.

f. A learner who receives a formal warning or who is expelled for harassment may appeal against the disciplinary action by using the appeals procedure detailed in the *Learner Code of Conduct and Disciplinary Policy*.

g. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

h. Similarly, if a learner supports another learner in bringing a complaint of harassment or if a learner gives evidence in respect of such a complaint of harassment then that learner will not be victimised for doing so. However, where it is concluded that a learner supported another learner's harassment claim which they knew to be false or malicious, or if the supporting learner deliberately gave factually inaccurate evidence to substantiate a learner's harassment claim, then disciplinary action may be taken against that supporting learner, up to and including dismissal.

i. Every effort shall be made to carry out and complete the investigation as quickly and efficiently as possible, having due regard for all circumstances

4.3 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 Vice President for Academic Affairs and Registrar (or nominee) as appropriate within 7 working days of notification of the outcome of the investigation. The Vice President for Academic Affairs and Registrar, under consultation with the Head of Academic Delivery and Programmes, will review the request within 10 days and may make one of the following decisions:

- dismiss the request for a review (in whole or in part); **or**
- uphold the request for a review (in whole or in part) and, if necessary, direct that a new Panel be appointed on the basis of new evidence.

The Vice President for Academic Affairs and Registrar (or nominee) will communicate their decision in writing to the complainant and respondent normally within 10 working days of the determination of the request for the review. This decision is final and may not be appealed. Any disciplinary outcomes will be referred to the *Learner Code of Conduct and Disciplinary Policy*.

4.4 Investigation Meetings Information

Investigation meetings will be held in confidence and with sensitivity, and all those involved will be treated with dignity and respect. Confidentiality is required of all parties involved in the investigation. A written record of all meetings shall be kept.

Those attending an investigation meeting will be told in advance of the meeting of:

a. The following information relevant to the meeting:
    - the purpose of the meeting;
    - the complaint being investigated;
    - the time and venue;
    - their right to representation; and

- that the investigation may lead to disciplinary action.

b. All material relevant to the complaint will be made available to the respondent during the course of the investigation.

c. The respondent will get the full details of matters under investigation and the opportunity to respond to them fully.

d. Further investigation meetings may be scheduled if required as issues arise. Every effort will be made to complete the investigation as quickly as possible, and within an agreed timeframe if possible.

e. Learners and all those involved are obliged to co-operate with investigations held under this procedure.

4.5 Principles of the Formal Procedure

The following are the fundamental principles of the formal procedures Carlow College with adhere to:

- All formal complaints will be initially assessed by the College 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 College 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.

- In cases alleging sexual harassment, the College will ensure that at least one of the investigators will be of the same gender as the complainant.

- At all formal meetings, both parties will have the right to be accompanied by a representative / colleague (see below for representation).

- The College 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 Investigation Panel independent and all parties need to respect this.
- All investigations will be carried out with fairness taking into account the principles of natural justice.

5. Withdrawal of Claims

From time to time people make a complaint and then do not wish to proceed. The College has a duty of care to take all complaints seriously, this will include discussing the appropriate procedures and referral through the process. Consent will be sought from both parties to drop the investigation, otherwise the investigation will proceed.

Withdrawal of claims will be taken seriously. The withdrawal must be made in writing to the Head of Academic Delivery and Programmes or nominee (representing the Office of the Registrar).

The College reserves its right to investigate a claim that has been withdrawn and/or the reason for which is being withdrawn.

6. False / Malicious Allegations

Raising a false or malicious allegation is a serious breach of this policy. Complaints which are found to be malicious will be treated as serious misconduct under the disciplinary procedure. This provision should not deter employees from reporting genuine complaints.

7. Counter Allegations

Any counter allegation will be treated as a separate complaint. However, should a counter allegation happen at the early stage of the initial complaint, it can be investigated in the same process. Any counter allegation which happens at a later stage will be dealt with separately.

The counter allegation will be expected to be written. The Procedures above apply to the complaint in every regard, and the case shall be investigated within the procedure.

8. Right to Representation

At investigation stage, all parties may be accompanied by a fellow learner, a Contact Person or a Students' Union Representative. The role of the person accompanying either the complainant, responder or witness is to act as support. They are permitted to make an open and closing statement, however, they should not answer questions for the person being interviewed. During the meeting, the individual can take some time to consult with the person accompanying them (in private if necessary) as long as it does not cause too much disruption to the meeting.

During an investigation, there is full transparency of documentation. The complainant and respondent's statement(s) will be shared in advance of any meetings in order to allow each individual the opportunity to fully respond. All statements including witness statements and other documentation submitted will be shared with both the complainant and the respondent during the investigation.

Appendix 5: Guidelines for Handling Matters Yourself

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CARLOW COLLEGE
ST. PATRICK'S

Guidelines for Handling Matters Yourself

Introduction

Your issue may result from a communication breakdown, an interpersonal dispute or a lack of clarity around roles in teams. There are many ways to resolve these issues – here are some of the methods you can use. It is important that the situation be resolved as quickly as possible.

1. Handling matters yourself

- If there is inappropriate behaviour make it clear that the behaviour is unwelcome.
- Take some time out to think through/write out the problems, and the potential solutions.
- **If you are a staff member:** You may avail of the Employee Assistance Programme by phoning 1800 995 955 to seek a telephone support counselling session, or email: eap@vhics.ie. They also have a very helpful website – www. livewell.optum.com with Username: Vhicarlowcollege. They will talk you through the issues at hand, help relieve the stress, and will work with you on a strategy for handling the matter.
- **If you are a Learner:** Speak to the LIRO in the first instance for information relating to the Dignity and Respect Policy and procedures. You may contact the College Counsellors (ext. 225), or email counsellor@carlowcollege.ie, or talk to our College Nurse (ext. 237), nurse@carlowcollege.ie. There are also a number of self-help leaflets available on the Student Resource Building.

  As a first step it is advisable to try and talk to the other party involved as openly and honestly as possible about the difficulties you are experiencing in a non-confrontational manner. Give examples of the behaviours that you feel are unwelcome. Talk about the impact that these examples/behaviours have had on you. Be open in your discussion and allow the person an opportunity to respond to you. It is beneficial to meet the person in a private space, using the model below where possible.

2. What information should I note before I meet with the person?

- 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.

3. How do I handle the conversation with the person?

- Agree confidentiality and a length of time for the meeting, e.g. about one hour.

- Storytelling - Both sides taking equal time to get their story across uninterrupted. It is important to explain to the person how the behaviour is making you feel.

- Summarise, and agree what the problem is / the issue you need to address.

- Brainstorm possible solutions / whom else you need to consult.

- Agree a way forward or the next step if a solution is not possible at this point.

Appendix 6: Confidentiality

Confidentiality

Procedures under the *Dignity and Respect Policy*, both informal and formal, may lead to the creation and collection of the personal data of a number of parties by Carlow College, in particular, that of complainants and respondents, but perhaps also that of witnesses. It is recognised that this Policy may lead to the processing of information that is regarded as sensitive. In particular, the College will abide by the 'data minimisation' principle enshrined in the General Data Protection Regulation.

Data minimisation requires that only relevant personal data is processed and that it is shared only with individuals who need it. Relevant sections of this Policy explain which parties are given information, and how much information they are given. In particular, employees are reminded of the need for confidentiality and that they are not to share information with employees or others who are not involved in the dignity and respect process.

Where an external party is used to investigate dignity and respect matters, the College will ensure that appropriate arrangements are in place to protect the personal data of the parties involved.

In general, data is processed in order to conduct the informal and formal procedures described in the Policy, to seek a resolution to the matter in question. As indicated, data may also be used if the dignity and respect process results in disciplinary action. However, there are also other circumstances in which the College may use and share data with appropriate parties arising from the dignity and respect process. These include, but are not limited to, the following:

- where there is a risk to the vital interests or wellbeing of any party the College will take appropriate action, including seeking and assistance and support;
- if a crime is suspected, information may be shared with An Garda Síochána or other statutory authorities;
- if a Child Protection incident is suspected, information may be shared with TUSLA and/or An Garda Síochána; and / or
- to establish, exercise or defend legal claims.

Appendix 7: Who Can I Talk To?

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CARLOW COLLEGE
ST. PATRICK'S

Who Can I Talk To?

1. Should I talk to my colleagues and do I have a right to seek support and from where?

Yes, you have the right to seek support. The principles of natural justice should be borne in mind when talking to others about your issues. All respondents have the same rights as complainants, they have a:

- Right to know full allegations and who is making them.
- Right of reply (defend themselves).
- Right to representation.
- Right to impartial and objective consideration of evidence.
- Right to appeal.

It is natural to want to speak to colleagues and friends and in order to respect everyone's rights, however, in the first instance, for learners, it is advisable to seek information from the Learner Information and Retention Officer (LIRO). Learners can also seek information and assistance from a relevant Contact Person. It is advisable to speak with the LIRO or Contact Person who can guide you through this policy and options available to you.

It is better to talk to the LIRO and / or Contact Persons at a very early stage, as they will be able to talk you through strategies and preventative actions, which can, in many cases, assist and resolve the situation before it escalates.

Talking to people in your area / department can have a serious impact on your work and the work and morale of others and is not recommended. Stories can quickly spread and can be the cause of rumours and speculation. You can seek help from any of the sources of help listed in this Policy.

Complaints and discussions about such allegations are considered confidential material by the College, and any breaches of confidentiality may be investigated and dealt with through the disciplinary procedures.

2. People to talk to

1. Learner Information and Retention Officer (Learners)
2. Line Manager (Staff) / Programme Director (Learners)
3. Contact Person (Learners and Staff)
4. College Counsellor/Nurse (Learners)
5. Employee Assistance Programme (Staff)

Any person who becomes aware or suspects that the wellbeing or safety of any person is asked to inform the HR Manager or a member of the Office of the Registrar without delay.

Appendix 8: The Role of Mediator

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The Role of Mediator

1. The mediator has several functions:

- To set up, and have signed, the terms of reference a confidentiality agreement with the parties.
- To set up the meetings and venue.
- To provide an environment where it is easy for staff to discuss the issues at hand in an open manner.
- To facilitate the discussions.
- To facilitate the parties agreeing the issues for discussion and finding solutions.
- To mediate with the parties in the finding of a resolution.
- To maintain confidentiality.
- The mediator will not hand down a solution and will not make decisions for the participant.
- The mediator is independent and neutral and will not 'take sides'.
- The mediator is in charge of the process but not the outcome.

2. Role of other parties

- To volunteer for mediation, and to sign the contract / terms of reference.
- Participants will fully engage in the process in order to fully understand the issue(s) and to genuinely attempt to find a resolution, which can be acceptable to all.
- To be as open and as honest as possible during the mediation sessions.
- To provide information where necessary to move the process forward.
- To work with the mediator.

- Be open to a conclusion/willing to find a mutual agreement.
- To maintain confidentiality.

3. How does the process work?

The steps involved:

- Incident/Issue arises.
- Staff or Learner contacts a Contact Person and Mediation is suggested / recommended.
- Appropriate mediator is discussed.
- Decision about who will notify the other party.
- Mediation is set up in consultation with other staff/learner member(s).
- *Staff members may also contact Human Resources;*

4. Where are the meetings held?

The meetings need to be held in a quiet private space in the College or could also be held in external venues as appropriate.

5. Time Frame and absence from work duties and classes

From the time both parties volunteer to do mediation, the setup for the first meeting should be completed as quickly as possible. This depends on diary management but it is anticipated that it will be arranged within the reasonable time frame of two weeks. Mediation sessions can last between 1.5 hours to 3 hours, and there could be up to 3 sessions, depending on the complexity of the issues.

The College will make the necessary arrangements to ensure that both staff and learners can attend mediation. The mediator may speak with Human Resources / Investigation Panel to make arrangements for staff members in these instance to arrange same and to also ensure confidentiality.

Learners may speak with their Contact Person who can notify the Programme Director of possible absence from class to ensure confidentiality.

6. Confidentiality

Matters discussed in the process are confidential and 'without prejudice' and the participants agree not to compel the mediator to divulge any matters discussed at mediation at any other forum including legal claims. Participants must maintain confidentiality on matters discussed during mediation. Any written outcomes or notes will be agreed by all the parties.

All personal data collected for this purpose will be processed in line with The General Data Protection Regulation (GDPR) and Data Protection Acts 1988 to 2018.

7. Feedback

There is no feedback to the College other than a mediated solution has / has not been found. From time to time parties might feel it is essential to give or provide feedback to another person / Line Manager / Human Resources / Programme Director / Investigations Panel about specific matters arising during a mediation. This should be discussed and agreed in the mediation process.

8. Outcome – what if there no resolution found

If there is no resolution found it is up to the parties to decide where they want to go next. They can agree to leave the matter aside, or to progress it to the next stage(s)is under this policy.

9. Cost

There is no cost to the staff or learners involved in the mediation.

Appendix 9: Information for Complainants

Information for Complainants

If you think you are the subject of bullying / harassment the following checklist may be helpful. In addition, there is further information in this section on the difference between the resolution methods offered.

1. Are you being bullied?

- Is the behaviour unwanted and unnecessary?
- Is it offensive or intimidating?
- Does it make you feel vulnerable, stressed or isolated?
- Is it negatively affecting your work or study?

Bullying and Harassment can involve an individual or group of individuals.

You may wish to discuss the situation with a Contact Person or one of the other sources of help named in this policy. It may be difficult to talk about the unwanted behaviour or to complain. For example, you may feel embarrassed or worry about:

- Not being believed.
- Having witnesses.
- Making too much of a 'trivial' incident.
- Making the situation worse.
- Repercussions on your job or studies.
- Impact on others.

It is important to overcome these fears and to seek help to resolve the situation before it escalates.

Bullying and Harassment can affect anyone but can sometimes occur where the respondent is in a relative position of power or authority over the complainant for example, because of age, seniority, or size.

2. Protection from Victimisation

The College will, at every opportunity, seek to protect all of the parties involved from victimisation and from any negative impact on their day-to-day work. When a complaint has been made, both parties will be asked to refrain from communicating about the complaint. It is expected that all parties will act in a courteous and respectful manner.

3. Informal vs Formal vs Mediation

Some points to take into consideration when making a complaint are outlined below. The decision whether to make a formal or informal complaint is made by the complainant.

You may wish to take into consideration:

- the level of the impact on you;
- whether it is sexual harassment;
- if it is ongoing in nature;
- if it is escalating in severity; and
- for serious complaints or where the problem is not resolved through any of the informal methods, the formal complaints process may be used.

Appendix 10: Information for Respondents

Information for Respondents

It is recognised that being accused of bullying and / or harassment can be a very difficult experience. This Policy contains information which will assist you in understanding your rights, responsibilities and entitlements should this situation arise.

1. How will I know if there is a complaint about my behaviour?

Generally, a person will have spent a considerable amount of time deciding on whether to make a complaint and if it should be formal or informal. Based on this decision you may have been contacted in a number of ways. For example, if a person has chosen the informal path, you may have been contacted by the person themselves or by a Contact Person / Line Manager / Programme Director. The Contact Person / Programme Director / Line Manager will explain their role and the problem that has arisen. The individual may seek a private meeting with you to discuss the problem informally rather than making a formal complaint.

If a Contact Person / Programme Director / Line Manager has contacted you, this generally means that the complainant may not have felt comfortable contacting you directly themselves. If you do not recall the incident or feel that it was not the intention to cause offence you should discuss this with the person who has contacted you. It is likely that they will discuss with you the impact that the incident has had on the complainant (the effects of bullying are outlined earlier in this Policy). This gives you an opportunity to reflect on the incident(s) and discuss them with the Contact Person and agree a course of action.

If you are contacted by your Programme Director / Line Manager / Contact Person, it is most likely that a formal complaint has been made. If this is the case, you will receive a copy of the complaint in writing (please see investigation and formal procedure sections outlined in this Policy).

2. Confidentiality

Confidentiality is critical in this situation to protect all parties.

3. Seeking Advice

This is an important part of the process. In the first instance, you can contact any one of the Contact Persons. The Contact Person will not see both sides of a complaint and you may be referred on to a different Contact Person if this is the case.

The Contact Person's role is to offer advice and support, not to represent either party (see their role outlined earlier in this Policy).

4. Representation

During an investigation process, you will be entitled to representation. For a learner, this extends to a fellow learner / Students' Union Representative. For a staff member this extends to a staff work colleague / union representative.

5. Do I get copies of my statements?

You will receive copies of the notes taken during your meeting with the Investigations Panel. You will have a right to review these notes and you will be asked to sign off on these notes to ensure accuracy.

6. Support

Support is available to all parties involved in Dignity and Respect Procedures.

LEARNERS: Talk to Counsellor (ext 225), Email - counsellor@carlowcollege.ie and/or Talk to College Nurse (ext 237), Email - nurse@carlowcollege.ie

STAFF: Talk to our EAP 1800 995 955, Email eap@vhics.ie for face to face or telephone counselling. Web information available - www.livewell.optum.com, Username: Vhicarlowcollege.

The EAP can give personal support via telephone counselling/support sessions or face-to-face sessions. This is highly recommended in this situation. If the situation affects your family members, they can also seek confidential support and free counselling services via the helpline - 1800 995 955.

7. Dos and Don't

- Do Seek Support.

- Do watch your stress levels and seek help via the Student Counsellor or College Nurse (for learners) and the Employee Assistance Programme (for staff).
- Do consider the options given to you, e.g. mediation, or the informal approach.
- Don't approach the complainant in relation to the complaint.
- Don't enter into discussions with others – maintain confidentiality.

8. Protection from Victimisation

The College will, at every opportunity, seek to protect all of the parties involved from victimisation and from any negative impact on their day-to-day work. It is accepted that professional interaction in relation to normal working matters are essential during the process. It is expected that all parties will act in a courteous and respectful manner. Deliberately bringing a complaint against a fellow employee, learner etc., which you know to be false or malicious is an example of gross misconduct and will be subject to the relevant disciplinary procedures and policies.

9. Investigation Stage

An Investigation Panel will be appointed to hear the complaint. You will be given the chance to fully respond. You will be asked to respond in writing and meetings may be held in order to clarify the situation verbally. *Please see the section on Investigation for further information.*

10. Right to Representation

During an investigation process, you will be entitled to representation. For a Learner, this extends to a fellow learner / student union representative. For a staff member this extends to a staff work colleague/union representative.

11. Do I get copies of my statements?

You will receive copies of the notes taken during your meeting with the Investigations Panel. You will have a right to review these notes and you will be asked to sign off on these notes to ensure accuracy.

12. Will there automatically be disciplinary action?

No, cases are not prejudged, a full investigation will be held and only where appropriate the disciplinary procedures will be initiated. The disciplinary hearing will be, in the main, held by someone separate to the Investigation Panel.

For Staff, this process is outlined in the *Disciplinary Policy and Procedures* available from the Human Resources or through the Staff Gateway.

For Learners, this process is outlined in the *Learner Code of Conduct and Disciplinary Policy* and Procedures available from the Student Gateway.

Appendix 11: Information for Witnesses

Information for Witnesses

1. The approach

You will be approached either in person, or in writing, by the Investigation Panel and asked to attend a meeting at a specific date/time. Witnesses are required to attend meetings as part of this policy. It is expected that witnesses give an open and honest account of what they have witnessed.

2. Information about a complaint

The witness will be given very little information with regard to the content of the complaint. The only information you will receive is around that event you may have witnessed. You may be asked to clarify the content of an interaction. You will not be given any information on the outcome of the situation. While this can be seen as frustrating, this is to protect the confidentiality of the parties involved.

3. Confidentiality

You will be expected to maintain strict confidentiality about becoming a witness, and the content of the meeting. You should not discuss this with any of your colleagues / classmates or the complainant / respondent.

4. What evidence should I give?

Be truthful during the process. Only give evidence which you have directly witnessed, not that you have heard or been told by other colleagues/ classmates. If you cannot recall precisely the events, state this clearly.

5. Right to Representation

While not every witness chooses to have a representative present at proceedings, everyone in the process does have a right to be accompanied. For a learner, this extends to a fellow

learner / Students' Union Representative. For a staff member this extends to a staff work colleague/union representative.

6. Do I get copies of my statements?

You will receive copies of the notes taken during your meeting with the Investigations Panel. You will have a right to review these notes and you will be asked to sign off on these notes to ensure accuracy.

7. Protection from Victimisation

If you are named as a witness, you will be required to give evidence in proceedings. You are protected under this policy from victimisation. Deliberately however, providing information on behalf of a fellow employee, learner etc., which you know to be false or malicious is an example of gross misconduct and will be subject to the relevant disciplinary procedures and policies.

8. Support

Some staff / learners find it stressful to be a part of this process. If you wish to seek support, you can contact any one of the following:

- If you are a staff member: Talk to the Employee Assistance Programme @ 1800-995-955, or email eap@vhics.ie – seek a telephone support counselling session. They also have a very helpful website www.livewell.optum.com , Username: Vhicarlowcollege. They will talk you through the issues at hand, help relieve the stress, and will work with you on a strategy for handling the matter.

  If you are a Learner: Talk to our College Counsellors (ext. 225), email counsellor@carlowcollege.ie, or talk to our College Nurse (ext. 237), nurse@carlowcollege.ie or to your Academic Advisor.

- There are also a number of self-help leaflets available on the Student Services corridor.

Appendix 12: General Information for Line Managers

COLÁISTE CHEATHARLACH
NAOMH PÁDRAIG
CARLOW COLLEGE
ST. PATRICK'S

General Information for Line Managers

While it is encouraged for staff and / or learners to make contact with either the LIRO and / or a Contact Person, Line Managers are also named as one of the official people that staff can contact in relation to bullying and harassment. Line Managers roles are outlined earlier in this policy which includes responsibilities for ensuring staff are aware of the policy with the primary aim of always working towards a positive atmosphere and early resolution. There are numerous supports available to Line Managers in the event of a staff member contacting you in relation to a bullying and harassment issue.

1. Investigation Support

Line managers will be supported during the investigation by Human Resources. This will include information on what type of notes to take, correspondence to be sent, etc.

2. Information on the Procedures

You can seek advice on the procedures from the Human Resource Office.

3. Support for Investigation Panel

Being on the Investigation Panel, particularly in difficult cases, can be stressful, and can cause an additional workload for you. You should take care to proactively manage this situation and seek advice and support where necessary. Support includes the Employee Assistance Programme (EAP). Ring 1800 995 955, or Email eap@vhics.ie for face-to-face or telephone counselling. Web information: www.livewell.optum.com, Username: Vhicarlowcollege. This will include personal support for you, particularly if some of the information you are receiving is distressing or causes discomfort.

4. Workload

Workloads can be discussed with Human Resources with a view to making necessary arrangements in order for you to complete the processes outlined in this policy in a timely manner.

5. Mediation Information Leaflet

The College supports the use of mediation as an alternative method of resolving complaints. Mediation is an informal process through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and both parties must be willing to take part and agree to the appointment of a Mediator (internal or external). If the parties agree to this approach, the College will appoint a neutral and impartial Mediator, acceptable to both the parties, to facilitate the process. Information pertaining to mediators can be obtained from the Human Resources Office.

Appendix 13: Contact Details for Sources of Help

COLÁISTE CHEATHARLACH NAOMH PÁDRAIG
CARLOW COLLEGE ST. PATRICK'S

Contact Details for Sources of Help

A list of the Dignity and Respect Contact Persons can be found on the Staff Portal and Learner Portal in the folder containing the *Dignity and Respect Policy*. This list is also found outside of the LIRO Office and the HR Office.

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1. Staff Sources of Help in Carlow College:

- Line Managers
- Human Resources
- Contact Persons
- Employee Assistance Programme: Phone 1800-995-955, Email: eap@vhics.ie –Website: www.livewell.optum.com Username: Vhicarlowcollege.

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2. Learner Sources of Help in Carlow College:

- Learner Information and Retention Officer (LIRO)
- Contact Persons
- Programme Directors
- Academic Advisors
- Student Unions' President, ext. 250, email: supres@carlowcollege.ie
- Student Unions' VP for Welfare and Equality , email: suwelfare@carlowcollege.ie
- College Counsellors, ext. 225, email: counsellor@carlowcollege.ie
- College Chaplain, ext. 245, email: chaplaincy@carlowcollege.ie
- College Nurse, ext. 237, email: nurse@carlowcollege.ie

Appendix 14: Instructions for Contact Persons and Other Staff Who Manage Informal Stage Dignity & Respect Issues

Instructions for Contact Persons and Other Staff Who Manage Informal Stage Dignity & Respect Issues

1. Complete a Record Form (Appendix 15) for each Dignity & Respect issue about which you are asked for advice.

2. Password-protect any completed Record Form and share via email. Agree and advise the password by a different means e.g., verbally.

3. Scanned signatures are acceptable on the Record Form.

4. Keep completed Record Forms in your OneDrive account. Open a 'DignityAndRespectFolder' and inside this create a sub-folder for each year e.g. 2022. In the unlikely event that you have many Dignity & Respect records, a sub-sub folder should be created for each issue.

5. Record Forms are eligible for destruction when they are 12 months old **BUT** records of ongoing cases must be kept until the case is resolved. Before completing a Records Destruction Certificate (available in the Records Management Policy) seeking permission to destroy Record Forms, check in with the HR Manager (Staff) and Office of the Registrar (Learners) about ongoing cases.

6. At the end of each year, count how many Dignity & Respect issues you have been involved in and notify the Administrator, Office of the Registrar and the HR Manager of:

    - The total number of issues
    - The number of issues involving learners
    - The number of issues involving staff.

    Original Record Forms are not shared during this process.

- If you are asked to facilitate a meeting(s) between parties, contact HR for guidance on required records. This normally includes creating a record of each meeting and agreed outcomes, and having the parties agree that the records are accurate. Such records should be managed in the same way as the Record Form.

Appendix 15: Informal Stage - Record Form

CONFIDENTIAL

Name of staff member/learner reporting issue (Complainant) _____

Name of Contact Person/Staff Member to whom issue is reported _____

Detail of issue discussed

_____

_____

_____

_____

Agreed Course of Action

_____

_____

_____

_____

Referred to/ (if applicable) _____

Confirm that the complainant was given a copy of the Dignity and Respect Policy **Yes** ☐

Signature of Complainant _____

Signature of Contact Person/Staff Member _____

Date of conversation _____

Appendix 16: Form for Making a Formal Complaint Under the Dignity and Respect Policy

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 (for staff) the relevant Line Manager / Human Resources (for learners) Programme Director / Head of Academic Delivery and Programmes. • Documentation which you are relying on should be attached where appropriate.	
Section 1: Person making the Complaint - Details	If a representative has been appointed, please provide details. *A representative may be appointed at a later stage if needed.
Name:	**Name:**
Staff Member or Student:	**Staff Member or Student:**

Section 2: The Person against whom the Complaint is made - Details (where known)	
Name:	
Staff Member or Student:	
Section 3: Details of the alleged incidents/matters and how you consider these are in breach of the Policy i.e. bullying/sexual harassment/harassment. A continuation sheet can be used if necessary.	
Time:	
Date:	
Place:	

Section 4: Please provide details of any informal attempts, which have been made to resolve the matter and 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.

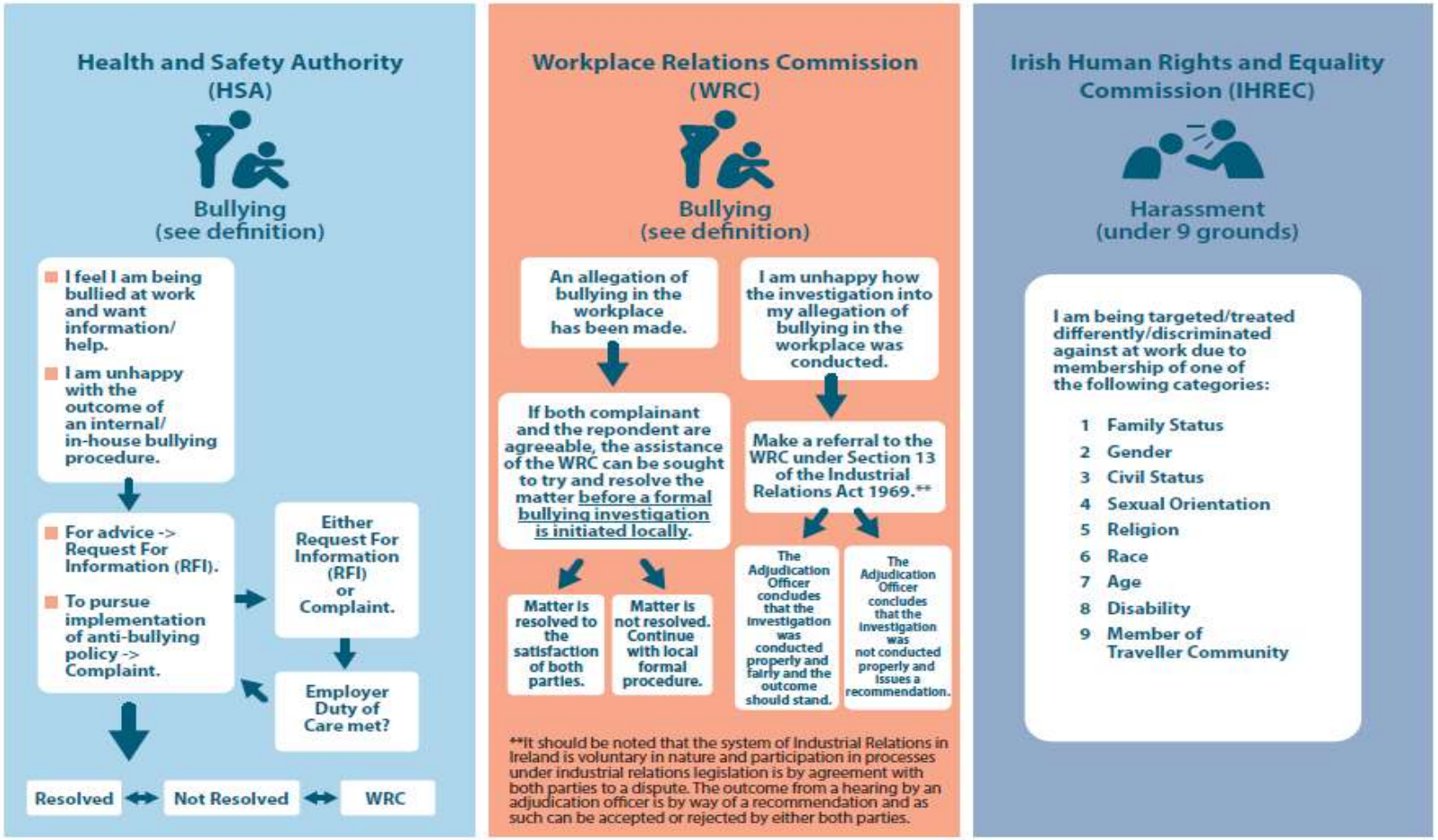
**Please note that no details of what was discussed at mediation can be included.

Please outline what steps and who you have contacted under the informal process of the Dignity and Respect Policy you availed of:

4.1 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.

4.2 Please provide the details of the names of any witnesses, their contact details and addresses

4.3 Please outline any other information that you consider relevant
Section 5: Outcomes you have received to date in the *Dignity and Respect Policy*
***Please state the stages you have gone through and the dates of the outcomes.**

Section 6: Signatures (The formal complaint form must be signed ahead of submission)	
Signed (BLOCK CAPITALS): _____ **Signature: _____**	**Date:**
Received by (BLOCK CAPITALS): _____ **Signature: _____**	**Date:**
All information recorded on this form will be processed by Carlow College, St. Patrick's in line with its Privacy Notices for Learners and Staff, and with Data Protection laws	

Appendix 17: Role of the HSA and the WRC in the Prevention of Workplace Bullying