


<b>Policy on sexual harassment &amp; bullying of students in the Institute</b>		
 <p>OLLSCOIL TEICNEOLAÍOCHTA BHAILE ÁTHA CLIATH <b>DUBLIN</b> TECHNOLOGICAL UNIVERSITY DUBLIN</p>	<b>3SS05</b>	File Location:
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## **Policy on sexual harassment & bullying of students in the Institute**

### **Revision History**

<b>Revision</b>	<b>Date</b>	<b>Revision Description DCRT#</b>	<b>Originator</b>
01	21 August 03	Conversion of OP131	Lisa Whelan
02	19 January 09	Update contact persons	QA Officer
03	8 March 2021	Logo	QA Manager

## 1. Purpose

This document is provided as an information document for students. This policy is not intended to stifle normal and appropriate relationships amongst staff and students but rather is intended to promote a healthy working and learning environment.

## 2. Scope

This document applies to all students of the Institute and is of relevance to staff.

## 3. Definitions

- **Sexual harassment** is behaviour contrary to the Employment Equality Act. Sexual harassment means unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work and could include:
  - Non-verbal (e.g. pictures)
  - Verbal (e.g. continued suggestive remarks)
  - Physical (e.g. unnecessary touching)
  - Ridicule or intimidating behaviour

Sexual harassment refers to acts that are unsolicited, personally offensive, and fail to respect the rights of others. It may occur between men and women or between members of the same gender.

### *Examples of Sexual Harassment:*

- Verbal: unwelcome sexual advances, suggestive jokes and innuendo, requests for sexual favours, threats
  - Non Verbal or indirect: sexually suggestive pictures or written material, leering or gestures; spreading rumours about a person's sexual behaviour or orientation
  - Electronic: sexually suggestive messages or images transmitted by computer
  - Physical: unwelcome physical contact, up to and including assault
- **Bullying and harassment** refers to deliberate, aggressive acts, which are intended to cause distress, harm or damage to victims. These acts may be verbal, physical or psychological and can range from slander and innuendo right through to harassment, intimidation or physical attack. They may occur just once, or more commonly, on a number of occasions or in a series of sustained and prolonged assaults.

### *Forms of Bullying (not exhaustive list)*

- a) Physical contact
- b) Verbal abuse
- c) Implied threats
- d) Jokes, offensive language, gossip, slander, offensive songs
- e) Posters, photocopied cartoons, graffiti, obscene gestures, flags, bunting and emblems
- f) Repeated requests giving impossible deadlines or impossible tasks
- g) Repeated unreasonable assignments of duties, which are obviously unfavourable to one individual
- h) Excessive supervision, monitoring everything the victim does, being excessively critical about minor things
- i) Constantly taking the credit for the other person's work but never taking the blame when things go wrong
- j) Constantly overruling the person's authority
- k) Spreading malicious rumours about the individual
- l) Deliberately withholding information which the person requires in order to do their job effectively
- m) Terror tactics, open aggression, threats, shouting abuse, obscenities towards their target
- n) Singling out the person

#### **4. Reference**

3SS09 Student Appeals Board

#### **5. Policy**

- The Institute recognises the right of every student to work in an atmosphere free of harassment and intimation, that promotes personal integrity and dignity. It is Institute policy to take appropriate steps to promote such a working environment.
- The Institute is committed to ensuring equality of opportunity for all staff and students, regardless of their gender, marital status, family status, race, disability, age, sexual orientation, nationality, religion or membership of the traveller community. All members of the staff and student population are entitled to be treated with courtesy and respect by others.
- The Institute is committed to providing a working and learning environment that is free of harassment based on gender or sexual orientation. It is strictly against the policies of this Institute for any employee or student to harass a member of staff or a student. Harassment can seriously harm working and social conditions for staff and students at the Institute. Such conduct will not be tolerated and it is important that everybody is aware that they have the right to complain should they feel that harassment has occurred or is occurring. All employees and students are expected to comply with this policy and ensure that such conduct does not occur. Incidents of harassment will be regarded very seriously and can be grounds for disciplinary action which may include dismissal or expulsion.

- Students can raise a complaint of harassment through the grievance procedure documented below.
- Wherever possible, a person who believes that he or she has been the subject of harassment should in the first instance approach a neutral person for advice and support. It may be possible to ask the person responsible to stop the harassing behaviour. In some cases it may be possible and sufficient for the victim of the harassment to explain clearly to the person engaging in the unwanted activities that such behaviour is not welcome, that it is offensive, distressing and it is disrupting his or her work. However, it does not constitute consent to harassment if a person feels unable to do this.
- In circumstances where it is too difficult or embarrassing for an individual to approach the harasser on their own behalf, the initial approach to the alleged harasser can be made by a sympathetic and trusted colleague.
- If the alleged harassment continues, the student should report the alleged act to one of the nominated contact people (see below). If in particular circumstances this stage is unsuitable (for example if the alleged harasser is the relevant line manager), the Student should report the alleged act to the Registrar or in his/her absence to the President.
- When a complaint of harassment of bullying is brought to the attention of the appropriate person by a student, a formal investigation of the complaint will be undertaken by the Registrar's Office. In cases where complaints are verified, disciplinary action will be taken against the offending party(s).
- In all cases, the person reporting the alleged act must be prepared to provide full information in order that the incident(s) may be fully investigated.

## **6. Procedure Stages**

1. Before making a formal complain, a student who feels subjected to harassment is advised to consult one of the contact persons appointed by the President to advise on alleged incidents of harassment in an informal way. Consultation with a contact person is strictly confidential and no further action will be taken without the consent of the complainant.
2. If a direct approach to the alleged harasser fails to halt the harassment, or is not appropriate, the person should report the alleged act to a senior member of staff, as detailed above. The person may formally request an interview with the senior member of staff. This meeting will normally be arranged within five days from receipt of the request.
3. If the alleged harassment is of a serious nature, a contact person will assist the complainant to make a formal complaint. Formal complaints of harassment should be made in writing to the Registrar of the Institute. Formal complaints so made should include the identity of the offender(s) and the general nature of the complaint.

Complaints should be addressed to : Registrar, Institute of Technology, Blanchardstown, Dublin 15, marking the envelope as 'Confidential'. A reply will be issued to written complaints within five working days.

4. The Registrar will appoint a senior member of the Institute to deal with each formal complaint of harassment. This person will deal with the matter with the minimum of delay and will maintain the maximum possible degree of confidentiality throughout the procedure. The principles of natural justice will apply and the rights of both the complainant and of the alleged harasser will be given due regard. Malicious or frivolous complaints may result in disciplinary action against the complainant.
5. The President will arrange to meet the complainant, in the presence of a colleague, if desired. This will normally occur within five working days of receipt of notification, no later than ten working days after the meeting, the complainant will be advised in writing of the Presidents response to the complaint. This may include a request for further information or an acceptance or rejection of the grievances or to call a further meeting which will be arranged as soon as possible.
6. If the complainant feels that the complaint has not been dealt with in a satisfactory way, the senior member of staff should be informed. They will then refer the matter to the President for consideration.

## **7. Appeals Procedure**

1. A student against whom a complaint of harassment is substantiated has the right to appeal to the Governing Body. Should a person wish to appeal against the President's decision, they should notify the President in writing within ten working days of receipt of the notification of that decision. The President will then make a request to the Chairman of the Governing Body to set up a panel (Reference 3SS09).
2. The Chairman of the Governing Body shall determine the date when the panel will meet to consider a report from the President. The panel shall consist of three members of the Governing Body but will not include any staff or student representatives or the President.
3. The panel will meet within twenty working days and will be responsible for making a final decision about the grievance.
4. As soon as possible, and in any case no later than ten working days after the meeting, the complainant will be advised in writing of the response to the complaint.

## **8. Supplementary Information**

1. The parties may by mutual agreement modify the time limits referred to in the above procedure.

2. Any such party involved in a grievance may at any time seek the advice of a fellow student. Any such party may attend and may be accompanied at any meeting by a fellow student.
3. All complaints will be dealt with promptly, with sensitivity and in a strictly confidential manner having due regard to the rights of both the complainant and the accused. In any investigation, the alleged offender shall be entitled to the same rights as are applicable in the Disciplinary Procedure. If as a result of the investigation, the complaint is proved valid, the harasser will be subject to disciplinary action as outlined in the Institute Disciplinary Procedure. In the case of serious offences, this may include dismissal or expulsion.
4. Individuals will be protected from intimidation or victimisation for raising a complaint or assisting in the presentation or investigation of the complaint.

## **9. Contact Persons**

The following designated contact persons have been trained to advise and help deal with complaints of sexual harassment:

- Maria Brown                      Ext 1025
- Michelle Looby                      Ext 1092
- Ronan Keaskin                      Ext 1153
- Nathalie Cazaux                      Ext 1076
- Emer Fay                      Ext 1338
- Mary O'Reilly                      Ext 1159

### Other Sources of Help

- Students Union Welfare Officer
- Chaplain
- Student Counsellor

### External Sources of Help

- The Employment Equality Agency
- The Dublin Rape Crisis Centre

#### Further Reading

- TUI/IVEA Code of practice for dealing with complaints of bullying and harassment in the workplace.
- IVEA/TUI Code of practice for dealing with complaints of sexual harassment in the workplace.

#### **10. Exclusions**

These policies and procedures are not designed to deal with those cases coming under the category of physical sexual assault which would, if proven, amount to criminal wrongdoing. Complaints that are the subject of legal proceedings may not be considered under these procedures.

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