# Dignity & Respect at Work

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## 1 INTRODUCTION

**1.1** TU Dublin has developed the following policy and procedures for preventing bullying, harassment and sexual harassment in the workplace and for dealing with such complaints against members of staff or by members of staff which would include work associated events such as meetings, conferences and work related social events, whether on TU Dublin premises or off site. This policy is in compliance with the recommendations of a Government Task Force Report on Bullying in the Workplace and the three Codes of Practice issued under the Safety, Health and Welfare at Work Act 2005, the Industrial Relations Act 1990 and the Employment Equality Acts 1998-2015 respectively:

- The Health & Safety Authority's ***Code of Practice on the Prevention & Management of Workplace Bullying***
- The Labour Relations Commission's (LRC) ***Code of Practice Detailing Procedures for Addressing Bullying in the Workplace***
- The Equality Authority's ***Code of Practice on Sexual Harassment and Harassment at Work***

**1.2** This policy has been developed in partnership with the representatives of all staff, thus reflecting the very best practice in employment generally. The procedures for dealing with complaints are considered to be the most practical and suitable for TU Dublin.

**1.3** An allegation of bullying, harassment or sexual harassment made against a staff member including a Senior Manager or the most Senior TU Dublin Manager will be dealt with under this policy.

**1.4** Bullying, harassment and sexual harassment of staff by employees of other organisations, customers, business contacts or students will not be tolerated. Where there is a complaint against such persons, appropriate remedial measures will be taken to protect staff from being bullied or harassed. The staff members' direct line manager or above will ensure that the matter is dealt with in so far as possible given that such a respondent is not a TU Dublin staff member. At all times the principles of natural justice and presumption of innocence will apply. Where a staff member makes a complaint against a student, the Student Disciplinary Procedures for each campus will apply.

**1.5** If a non-staff member feels that they have been subjected to inappropriate behaviour by a staff member, they should bring the matter to the attention of the line manager of that staff member who will take steps to deal with the matter.

**1.6** This policy is available on the Human Resources website Dignity & Respect at Work

## 2 STATEMENT OF POLICY

**2.1** Staff of TU Dublin have a right to be treated with dignity and respect. TU Dublin is committed to ensuring that staff can work in a positive and safe working environment which is free from all forms of bullying, harassment and sexual harassment.

**2.2** Bullying, harassment and/or sexual harassment in any form is not acceptable and will not be tolerated, whether it is carried out by a member of staff, student or member of the public interacting with staff the University.

**2.3** Offending staff members may be subject to the Disciplinary Procedures up to and including dismissal.

**2.4** Complaints by staff will be treated with fairness, sensitivity and in as confidential a manner as possible.

**2.5** Complaints of victimisation which result from lodging a complaint, or giving notice of intention to do so, will be treated as allegations of misconduct on the part of the alleged respondent and will be dealt with through the Disciplinary Procedures.

**2.6** A complainant's rights are protected under this policy and they will not be penalised for making a complaint in good faith.

**2.7** Raising a false or malicious allegation is a serious breach of this policy. Complaints which are found to be malicious or vexatious will be treated as serious misconduct under the Disciplinary Procedures. This provision should not deter staff from reporting genuine complaints. Where a complaint is not upheld following Formal Investigation, this does not necessarily mean that the complaint is malicious or vexatious.

**2.8** **Confidentiality**

Confidentiality will be observed in matters connected with any bullying, harassment and/or sexual harassment allegations, investigation and outcomes in so far as practical. This confidentiality extends after conclusion of a Formal Investigation. Any persons (i.e. complainant, respondent, witness(s), investigator(s), other staff involved) found to be in breach of confidentiality relating to a Formal Investigation will be dealt with through the Disciplinary Procedures.

## 3 PURPOSE OF THE POLICY

**3.1** The purpose of this policy is to prevent a culture of bullying, harassment and sexual harassment arising in the first instance. This policy is also designed to assure members of staff who are subjected to such behaviour that action will be taken to end such abusive and offensive behaviour. The policy outlines the internal procedures that should be followed in attempting to address issues of this nature and its key objective is to ensure that all reasonable efforts are made by managers to prevent such behaviour arising and to deal with complaints of bullying, harassment and/or sexual harassment. It also provides details on the structures that are in place to lend support and assistance to staff who are either making or are the subject of a complaint under this policy.

**3.2** A complaint relating to a staff member's **terms and conditions of employment** should be dealt with through the Grievance Procedures which are available on the HR website.

## 4 WHAT IS BULLYING AND HARRASSMENT?

**4.1** Bullying, harassment and sexual harassment can be broadly characterised as behaviours which are unwanted, unwelcome, intimidating or offensive to the recipient. It is the unwanted nature of the behaviour that distinguishes it from friendly behaviour which is welcome and mutual. The intention of the alleged respondent is irrelevant.

**4.2** The effects of bullying, harassment and/or sexual harassment are varied. Individuals working in an atmosphere of intimidation and fear cannot perform to their capabilities.

**4.3** Bullying, harassment and/or sexual harassment can be devastating and destructive for the victim, both in their work and personal life. It affects the physical and mental well-being of the victim. Loss of self-confidence, low self-esteem, stress and depression are just some of the health effects associated with long-term exposure to this behaviour.

**4.4** Any act of bullying, harassment and/or sexual harassment can occur outside the work premises or normal working hours provided the respondent was acting in the course of employment, for example, at a training course, conference or work-related social event.

**4.5 Bullying - Definition**

For the purpose of this policy the definition of bullying is ***repeated*** *inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a one off incident, is not considered to be bullying*.[1] In such cases the complainant has the option of initiating the Grievance Procedures.

**4.6 What Bullying is Not**

The following behaviour does not constitute bullying:

- the proper exercise of authority by managers
- constructive and fair criticism of a staff member's work performance or conduct provided in a reasonable manner or any appropriate action taken by managers under any specified policy

It is the duty of managers to be open with staff about performance, attendance or general conduct. Poor performance, attendance and/or general conduct are dealt with under the Disciplinary Procedures.

**4.7 Examples of Bullying**

Behaviour that constitutes bullying may be physical, non-physical or verbal. Physical forms of bullying may include (list is not exhaustive):

- shoving, jostling
- interfering with personal property or work station

Non-physical and verbal forms of bullying may include (list is not exhaustive):

- persistent unjustified criticism and sarcasm
- shouting at staff in public and/or private
- instantaneous rage, often over trivial issues
- making it difficult for staff to have access to necessary information
- unfair delegation of duties and responsibilities
- private or public humiliation, deliberate exclusion/ostracism
- repeated use of offensive language directed at an individual or individuals
- personal insults, such as name-calling, sneering, continued and deliberate staring
- repeated put-downs, offensive jokes
- repeated verbal abuse
- undermining a person's role, dignity or respect e.g. removing areas of responsibility and imposing menial tasks
- spreading malicious rumours
- derogatory graffiti
- threatening behaviour
- aggressive behaviour by supervisor, manager or colleague
- unfair or unjust manipulation of one's workload including timetable
- higher levels of scrutiny of an individual staff members work by comparison with others
- publishing material that is defamatory, abusive or offensive in relation to any staff member
- publishing material that might reasonably be expected to have the effect of damaging the reputation or professional standing of a staff member

[1] *Report of the Government Task Force on the Prevention of Workplace Bullying*, *2001.*

In addition to in-person communications, above actions may take place through other forms such as written communications, visual images, email, text messages and any electronic means of communication such as Social Media. Social Media is the collective term referring to social and professional networking sites and includes any future developments of such media.

**4.8 Harassment – Definition**

For the purpose of this policy, the definition of harassment as outlined in the Employment Equality Acts 1998-2015 is *"…any form of unwanted conduct, related to any of the nine discriminatory grounds and being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person."*

Discrimination is defined in the Employment Equality Acts 1998-2015 as the treatment of a person in a less favourable way than another person was, is or would be treated on nine distinct grounds:

- Gender
- Age
- Disability
- Family status
- Civil status
- Membership of the Travelling community
- Race, ethnic origin or colour
- Religion
- Sexual Orientation

The Employment Equality Acts 1998-2015 extended the definition of harassment to include discrimination which arises where one of the nine grounds is imputed to a person or where a person who is associated with another person, and is treated by virtue of the association, less favourably than another person.

The Employment Equality Acts 1998-2015 outlaw discrimination in the course of employment whether by an employer, another employee or by clients, customers or business contacts of the organisation. Harassment may include (list not exhaustive):

- verbal harassment – jokes, comments, ridicule or songs
- written harassment – including faxes, text messages, email, social media or notices
- physical harassment – jostling, shoving or any form of assault
- intimidatory harassment – gestures, posturing or threatening poses
- visual displays such as posters, emblems or badges
- isolation or exclusion from social activities
- pressure to behave in a manner that the employee thinks is inappropriate, for example, being required to dress in a manner unsuited to a person's ethnic or religious background

**Harassment** may consist of a **single incident or repeated** inappropriate behaviour.

**4.9 Sexual Harassment – Definition**

The Employment Equality Acts 1998-2015 outlaw sexual discrimination in the workplace in the course of employment whether by an employer, another employee or by clients, customers or business contacts of the organisation.

For the purpose of this policy, the definition of sexual harassment as outlined in the Employment Equality Acts 1998-2015 will apply i.e.:

*"Sexual harassment is any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or material."*

**Sexual Harassment** may consist of a **single incident or repeated** inappropriate behaviour.

The legislation applies to incidents of a sexual nature between a woman and a man and to individuals of the same sex.

Sexual Harassment may include (list not exhaustive):

- sexual jokes, stories, comments, use of telephone (including text messages), fax or radio systems for inappropriate suggestive comments, unwelcome comments about dress or appearance;
- display of offensive pictures, slogans, graffiti, written suggestive materials, etc. through electronic mail through social media or otherwise (including a display of pornographic or sexually suggestive pictures or objects);
- asking personal questions, telling lies or spreading rumours about a colleague's sex life;
- unwanted physical contact ranging from unnecessary touching to assault;
- persisting in unwelcome attempts to form or continue a relationship from which the consent of one party has not been given or has been withdrawn

## 5 RESPONSIBILITIES OF STAFF, MANAGERS AND SUPERVISORS

**5.1** All staff share a responsibility for ensuring that the work environment is free from any form of bullying, harassment and sexual harassment. This responsibility extends to an awareness of the potential impact of personal behaviour on others and how it may cause offence and/or result in them feeling uncomfortable or threatened.

**5.2** All staff must comply with the policy and ensure that their behaviour does not cause offence to fellow workers or any person with whom they come into contact in the course of their work.

**5.3** Training is mandatory to support all managers, supervisors and staff in discharging their responsibilities regarding Dignity and Respect at Work.

**5.4** Staff should confidentially inform a manager or supervisor if they are concerned that a colleague is being bullied, harassed and/ or sexually harassed.

**5.5** Staff should be prepared to co-operate fully with any Formal Investigation set up under this policy. Failure to do so may be dealt with under the Disciplinary Procedures.

**5.6** Both complainant of bullying, harassment and/or sexual harassment and the respondent are encouraged to attend separate pre-Mediation sessions where appropriate with an external Mediator nominated by TU Dublin in advance of a Formal Investigation being initiated.

**5.7** TU Dublin has a vicarious liability in regard to bullying, harassment and sexual harassment matters. This means that the University may be held liable for the actions of a staff member in the course of their employment, regardless of whether these actions were carried out with the knowledge or approval of the University.

**5.8** In order to eliminate any instances of bullying, harassment and/or sexual harassment it is critical that all staff attend Dignity & Respect at Work training as provided. It is the specific responsibility of **managers and supervisors** to:

- familiarise themselves with this policy
- uphold it as an integral part of their work
- manage with integrity and fairness, maintain objectivity
- promote awareness of the policy among their teams
- communicate policy to staff and non-staff members
- be vigilant for signs of bullying, harassment and/or sexual harassment
- take necessary action in any instance where inappropriate behaviour is observed or brought to their attention
- provide good example by treating all in the workplace with dignity and respect
- respond promptly to complaints of bullying, harassment and/or sexual harassment
- respond sensitively to a staff member who makes a complaint of bullying, harassment and/or sexual harassment
- respond sensitively to a staff member who is the respondent to a complaint of bullying, harassment and/or sexual harassment
- manage complaints of bullying, harassment and/or sexual harassment informally where appropriate;
- explain to a complainant the procedures they must follow if they wish the complaint to be formally investigated including an encouragement to him/her to attend a pre-Mediation session
- ensure, insofar as practicable, that the complainant or staff member who brings a matter of concern to their attention is not victimised
- ensure, insofar as practicable, that a respondent to a complaint is not victimised because of it
- monitor and follow up situations after a complaint is made to ensure that it does not reoccur

**5.9** Any manager or supervisor who is found to have acted in disregard to the above principles may be subject to disciplinary proceedings under the Disciplinary Procedures.

## 6 DIGNITY AND RESPECT AT WORK CONTACT COLLEAGUES

**6.1** Dignity and Respect at Work Contact Colleagues are staff members who act as a listening ear, and are trained to provide non-directive advice, information and support to a staff member on this policy. They undertake this role on a voluntary basis.

**6.2** The key role of a Dignity and Respect at Work Contact Colleague is to:

- be an information source for a staff member who believes that they are being treated in a bullying manner or being harassed or sexually harassed
- listen and provide independent, unbiased, non-judgemental support and information about sources of help, and the options open to that staff member
- work with the staff member to help them determine if the issue is a Grievance i.e. a complaint relating to their terms and conditions of employment or a Dignity and Respect issue
- support and guide the staff member in informally resolving the issue, which may include the staff member approaching the person causing the offence

- support the staff member causing offence in meeting with the staff member experiencing the difficulty
- assist the staff member to gain clarity around the changes in behaviour they are seeking
- outline the options available to the staff member in handling the situation
- help the staff member to think through their options by examining the benefits and consequences of specific action or inaction
- allow the staff member to decide for themselves the next step they wish to take

**6.3** The role of the Dignity and Respect at Work Contact Colleague does not involve:

- intervening or approaching any individual on behalf of a staff member they are supporting
- acting as a representative or colleague in a formal investigation
- having a role in the management of a complaint
- providing legal advice or a solution to the issue
- providing counselling

**6.4** Dignity and Respect at Work Contact Colleagues treat all contacts made on a strictly confidential basis and no information is passed to any third party without the permission of the staff member. The commitment to treat information with complete confidentiality however cannot be absolute where there may be a risk of suicide, threat to life or potential harm to another party. In these instances the Dignity and Respect at Work Contact Colleague will need to seek advice immediately as to how to proceed from a Senior HR Manager and/or the Employee Assistance Programme (EAP) service.

**6.5** All parties (a complainant, the respondent and any witnesses) can approach a Dignity and Respect at Work Contact Colleague. It would be normal practice that the different parties involved would see different Dignity and Respect at Work Contact Colleagues.

**6.6** A list of Dignity and Respect at Work Contact Colleagues is available at link

## 7 APPROACHES FOR DEALING WITH COMPLAINTS

**7.1** The policy provides details of three approaches in the management of complaints of bullying, harassment and/or sexual harassment:

1) **Informal**
2) **Mediation**
3) **Formal Investigation**

**7.2** Whilst it is the decision of the complainant in the first instance which approach to adopt in any particular situation, having regard to the Code of Practice on the Prevention and Resolution of Bullying and Harassment at Work, staff are encouraged to explore an informal and/or Mediation approach before initiating a Formal Investigation. However, if an issue is sufficiently serious then TU Dublin reserves the right to initiate a Formal Investigation into the matter.

**7.3** Before deciding which course of action to take, if any, a staff member can seek advice and guidance on this policy in strictest confidence from any manager, a Dignity and Respect Contact Colleague, Trade Union representative or the EAP.

**7.4** TU Dublin encourages complaints to be made as soon as possible following incident(s) of alleged bullying, harassment and/or sexual harassment behaviour.

**7.5** Notwithstanding that a complaint is in writing it can still be dealt with informally and/or through Mediation.

## INFORMAL

**7.6** In many instances complaints of bullying, harassment and/or sexual harassment can be dealt with successfully on an informal basis. Often such incidents can be resolved amicably between the parties using an informal approach. In many instances, such an intervention should be sufficient to enable the respondent to see the offending behaviour from the complainant's perspective and no further action may be required. A staff member who feels subjected to bullying, harassment and/or sexual harassment should take the following actions:

- if you feel able, speak privately to the person you feel is bullying, harassing and/or sexually harassing you and make it clear that their behaviour is unacceptable and ask them to stop
- if you find it difficult or embarrassing to communicate directly with the person, you may request your line manager or, if preferred another manager/supervisor, a nominated trade union representative or a colleague to speak to the person on your behalf
- approach a manager/supervisor, any of the Dignity and Respect Contact Colleagues, Trade Union representative or the EAP for advice and guidance on this policy
- privately record all incidents of bullying, harassment and/or sexual harassment in writing, including time, date and place. It may be of assistance to include a description of your feelings at the time
- ascertain if there were any witnesses to the behaviour
- if possible, avoid situations where you may be alone with the alleged respondent

**7.7** All managers are expected to encourage the resolution of complaints of bullying, harassment and/or sexual harassment informally. This will include meeting with the complainant to understand their concerns, meeting with the respondent to understand their perspective, meeting witnesses as may be deemed necessary to understand their perspective.

**7.8** It is not the role of a manager who is endeavouring to manage a complaint informally to determine if bullying, harassment and/or sexual harassment took place, but rather, to make every effort to ensure that any inappropriate behaviour stops and where possible, ensure that the parties find an appropriate way of working together in the future.

**7.9** The management of a complaint informally should be completed within a reasonable timeframe, as determined by factors such as the complexity of the case. Thereafter, if the informal approach is not effective in stopping the inappropriate behaviour, or if the incident is of a more serious nature, the matter should be given consideration by the complainant and the manager in the context of Mediation or a Formal Investigation.

## MEDIATION

**7.10** For the purpose of this policy, **Mediation** is carried out by a **neutral**, impartial and suitably qualified external Mediator who will be appointed by the Senior HR Manager on the relevant campus.

**7.11** An individual invitation to a **pre-Mediation meeting** will be given to the parties to the dispute by the Senior HR Manager on the relevant campus and they will be encouraged to attend. The purpose of this meeting is to determine whether a mediation session can take place. A pre-Mediation session usually involves the Mediator meeting with the complainant and the respondent, separately in the first instance, to explain Mediation, to discuss the substance of the complaint and to agree the Terms

of Reference for Mediation. The Mediator will advise the Senior HR Manager on the relevant campus if both parties are willing to engage in Mediation. The final decision in relation to invoking the Mediation process rests with the Senior HR Manager on the relevant campus.

**7.12** Mediation is a **voluntary and independent** process which cannot be imposed on parties. It is expected that both parties will reasonably consider Mediation as an option to resolve the complaint.

**7.13** If the parties are willing to engage in Mediation, they will receive a formal invite from the Senior HR Manager on the relevant campus.

**7.14** If the parties are not willing to engage in the Mediation process after the pre-Mediation session, it will not be progressed.

**7.15** If either party refuses Mediation they must notify in writing the Senior HR Manager on the relevant campus of their decision.

**7.16** In circumstances where a respondent declines to engage in a pre-Mediation session, the complainant reserves the right to proceed to formal investigation without further recourse to the respondent.

**7.17** **Mediation** involves the Mediator, bringing both parties together to discuss their areas of concern. The Mediator facilitates this process without offering solutions, taking sides or making a judgement. The Mediator assists each party to explain the problem to the other party as they see it, with a view to reaching a common understanding and agreement on acceptable future behaviour.

**7.18** The objective of Mediation is to resolve matters speedily and confidentially without recourse to a formal investigation and with minimum conflict and stress for the individuals involved.

**7.19** The purpose of Mediation is to improve communications, clarify outstanding issues, calm emotions and identify areas of agreement.

**7.20** Mediation can end at any stage if either party decides to do so. To work effectively, Mediation requires the voluntary co-operation of both parties. It is a process that belongs to the parties as they are in control of the content and the outcome.

**7.21** Mediation usually takes no more than two-three sessions, although certain complaints may take longer to mediate.

**7.22** If Mediation is successful, a confidential Mediation Agreement will be provided by the Mediator to the parties. The Mediator will then notify the Senior HR Manager on the relevant campus that Mediation was successful who will in turn advise the manager(s) of the parties.

**7.23** The contents of a Mediation Agreement are kept confidential to the parties involved. There is no disclosure of the details of the process or Mediation Agreement to the Senior HR Manager on the relevant campus or to the manager(s) of the parties.

**7.24** A Mediation Agreement will not result in the issues being dealt with under the Disciplinary Procedures.

**7.25** If there is an alleged breach of a Mediation Agreement, either party may notify their manager or the Senior HR Manager on the relevant campus for further redress through the Mediator.

**7.26** If Mediation is unsuccessful, the Mediator will notify the Senior HR Manager on the relevant campus. The complainant may then seek to have the matter resolved through a Formal Investigation.

**7.27** Any information exchanged during the Mediation process remains strictly confidential and cannot be disclosed as part of a Formal Investigation.

**7.28** Mediation does not affect the rights of a complainant or respondent.

## FORMAL INVESTIGATION

### The Complaint

**7.29** A complainant who wishes to make a complaint against a member of staff, student or member of the public interacting with staff in the University, and to have it formally investigated, must make their complaint to the Senior HR Manager on the relevant campus by way of a **Formal Complaint Form** (Appendix 2).

**7.30** Where the complaint is against the Senior HR Manager on the relevant campus, that complaint should be submitted to the most Senior HR Manager in TU Dublin. Where the complaint is against the most Senior HR Manager in TU Dublin, the complaint should be submitted to the President.

**7.31** A complainant may request a nominated Trade Union representative or a legal representative to lodge the complaint on their behalf.

**7.32** The Formal Complaint Form must be completed in full.

**7.33** Where a complaint is against more than one individual, a **separate** Formal Complaint Form must be submitted to protect the rights of each respondent to confidentiality. The Formal Complaint Form will be shared with the respondent when received.

**7.34** Where necessary, assistance in formulating a complaint may be provided by a Dignity and Respect Contact Colleague, Trade Union representative or the EAP service.

**7.35** The Senior HR Manager on the relevant campus will acknowledge the complaint. The complainant will be reminded that:

- prior to a Formal Investigation being initiated, it is strongly recommended that they attend a pre-Mediation session with an external Mediator and that a pre-Mediation session can be arranged as soon as possible
- their line manager and senior manager will be informed of the complaint
- a copy of the Formal Complaint Form will be provided to the respondent

### Preliminary Screening

**7.36** **Preliminary Screening** is a process for deciding if the alleged behaviour, which is the subject of the complaint and has not been resolved through Mediation or informal means, falls within the definition of bullying, harassment and/or sexual harassment as outlined in section 4 of this policy. The rationale for Preliminary Screening is that some complaints of bullying, harassment and/or sexual harassment may not meet the requirements of the definitions.

**7.37** Preliminary Screening will be carried out by the Senior HR Manager on the relevant campus (or another member of HR who may be delegated to carry out the task). They will analyse the Formal Complaint Form and decide whether or not it is appropriate to progress it under this policy. The Preliminary Screening will be based exclusively on the written details of the complaint as set out by the complainant. The key criteria for making the decision is whether, the allegation(s) were to be

substantiated, could they meet the relevant definition as described in the policy. If considered necessary a legal opinion may be sought as part of the decision making process.

**7.38** Before making a decision, the Senior HR Manager on the relevant campus (or another member of HR who has been delegated to carry out the task), may meet with the complainant to discuss the nature of the complaint. Such a meeting does not constitute part of the investigation process or prejudice any future outcome. The complainant will be notified in writing of the outcome of the Preliminary Screening by the Senior HR Manager on the relevant campus (or by another member of HR who may be delegated to carry out the task).

**7.39** If the Senior HR Manager on the relevant campus (or another member of HR who has been delegated to carry out the task), is of the view that there may be insufficient grounds for a Formal Investigation, legal opinion will be sought before any decision is made. If legal opinion supports the view, the Senior HR Manager on the relevant campus (or another member of HR who has been delegated to carry out the task) will meet with the complainant on the reasons why. Representations from the complainant and/or their representatives will be considered before a decision not to proceed is confirmed. If confirmed, alternate ways to resolve the complaint(s) will be explored if possible.

**7.40** If the decision to begin a Formal investigation is taken, the Senior HR Manager on the relevant campus will initiate the Formal Investigation process. Consideration will be given as to whether the start of the Formal Investigation can impact on any other process which may be commencing, or have commenced, involving any parties to the complaint, e.g. Disciplinary Procedures.

**Formal Investigation Preparations**

**7.41** Where a Formal Investigation is proceeding, the Senior HR Manager on the relevant campus will:

- advise the complainant in writing that a Formal Investigation will be set up as soon as possible and that their line manager and senior manager will be advised accordingly
- advise the respondent in writing that a complaint has been made, that a Formal Investigation will be set up as soon as possible and that their line manager and senior manager will be advised accordingly
- provide a copy of the Formal Complaint Form to the respondent and a copy of this policy
- appoint an External Investigator(s)
- provide a copy of the Formal Complaint Form to the External Investigator(s) and a copy of this policy
- provide Terms of Reference for the Formal Investigation to the complainant, respondent and External Investigator(s) following their appointment
- provide contact details for the complainant and respondent to the Investigator(s)

**7.42** In the interests of natural justice both the complainant and the respondent will be informed of their right to be accompanied to all interviews by a Trade Union representative, a TU Dublin colleague or a legal representative if deemed appropriate. Under no circumstances may the complainant or the respondent be accompanied to interviews by a family member as they are not covered by the Confidentiality clause at 2.8 of this policy.

**Formal Investigation Procedures**

**7.43 Stage 1 - Engagement with Complainant Prior to Interview**

Before confirming the arrangements for the interview with the complainant, the Investigator(s) will ensure that the complainant understands (or knows where they may obtain the necessary information regarding) the following aspects of the investigation procedure:

- the requirement to conduct an interview to discuss their complaint
- the right to be accompanied at interview by a Trade Union or legal representative or TU Dublin colleague provided this person is not directly involved in the complaint; under no circumstances may the complainant be accompanied to interviews by a family member
- their right to ask questions, in person, of other parties to the Formal Investigation in order to clarify matters of concern to them, in so far as appropriate and practicable. There is no obligation on the Investigator(s) to meet in person with other parties
- that the Investigator(s) has a key role in ensuring that the meeting of the parties is carried out in a productive and effective manner. If the Investigator(s) wishes to have a meeting with all parties at the same time, they may do so, however if such meeting(s) become counter-productive they will conclude the meeting(s) and revert to exchange of information in separate meeting(s)
- the right to avail of the EAP at any point during the Formal Investigation
- that confidentiality and discretion will be observed in all matters connected with the Formal Investigation of the complaint raised, insofar as is practicable
- that any persons (i.e. complainant, respondent, witness(s), investigator(s), other staff involved) found to be in breach of confidentiality relating to a Formal Investigation will be dealt with through the Disciplinary Procedures
- the prohibition on making any contact, directly or indirectly, with the responded or any potential witness on any matter related to the complaint, and that any breach may result in disciplinary action

**7.44 Stage 2 – Complainant's Interview**

The interview shall begin with advising the complainant that the purpose of the investigation is to establish whether the purpose of the Formal Investigation is to establish whether, **on the balance of probability,** a complaint is substantiated or not in accordance with the Terms of Reference.

This will be achieved by conducting a thorough interview of the complainant in order to elicit and fully clarify the facts behind the complaint. The allegation(s) as documented in the Formal Complaint Form, should be verbally described clearly. The Investigator(s) shall try to confirm:

- what occurred
- who was involved
- when the incident(s) occurred
- where the incident(s) occurred
- who, if anyone, witnessed the incident(s)
- and any other supporting evidence

The Investigator(s) shall:

- allow the complainant and/or their Trade Union, legal representative or TU Dublin colleague an opportunity to raise all matters which they deem relevant to the Formal Investigation and which they wish to have considered in relation to the complaint
- keep comprehensive and legible notes of questions put to the complainant and of answers given and of submissions and representations made by the complainant and/or their representative during the course of the interview
- compile a note of the interview after its conclusion
- explain that notes are prepared in relation to each allegation made and sent to the interviewee with a timeframe for return. Minor changes may be accommodated. If after two attempts the

notes have not been signed off, dissention may be recorded but the note stands and the investigation proceeds

- explain that notes of the interview are provided to the respondent in advance of their interview with the Investigator(s) so that they can respond in full to the allegations made
- explain that the complainant will be afforded an opportunity to respond to the notes of the interview with the respondent
- explain that they may meet with the complainant and the respondent on a second occasion to check facts and discrepancies in accounts with each prior to drawing final conclusions
- advise that a record of witness statements (if any) will be passed to both the complainant and the respondent and of their right to question each other in person
- explain that they will be given an opportunity to comment on the draft Investigation Report, including agreed notes of interviews, prior to it being finalised and sent to the Senior HR Manager on the relevant campus and that comments should be provided within seven working days
- explain how a decision on the outcome of the Formal Investigation will be notified i.e. by letter to the complainant, respondent and, if applicable, their nominated Trade Union representative from the Senior HR Manager on the relevant campus.

**7.45 Stage 3 – Engagement with Respondent Prior to Interview**

Within two weeks of the interview with the complainant, the interview with the respondent will take place. In the course of making arrangements for the interview, the Investigator(s) will ensure that the respondent understands (or knows where they may obtain the necessary information regarding) the following aspects of the investigation procedure:

- the requirement to conduct an interview to discuss the complaint
- the right to be accompanied at interview by a Trade Union, legal representative or TU Dublin colleague, provided this person is not directly involved in the complaint; under no circumstances may the respondent be accompanied to interviews by a family member
- ask whether other forms of corroborative evidence may be available, such as supporting documentation, files or records deemed to be appropriate to the investigation
- their right to ask questions, in person, of other parties to the Formal Investigation in order to clarify matters of concern to them, in so far as appropriate and practicable. There is no obligation to meet in person with other parties
- that the Investigator(s) has a key role in ensuring that the meeting of the parties is carried out in a productive and effective manner. If the Investigator(s) wishes to have a meeting with all parties at the same time, they may do so, however if such meeting(s) become counter-productive they will conclude the meeting(s) and revert to exchange of information in separate meeting(s)
- the right to avail of the EAP at any point during the investigation
- that confidentiality and discretion will be observed in all matters connected with the investigation of the complaint, insofar as is practicable
- that any persons (i.e. complainant, respondent, witness(s), investigator(s), other staff involved) found to be in breach of confidentiality relating to a Formal Investigation will be dealt with through the Disciplinary Procedures
- the prohibition on making any contact, directly or indirectly, with the complainant or any potential witness on any matter related to the complaint, and that any breach may result in disciplinary action
- where a respondent refuses to contribute to and/or participate in the process, the Investigator(s) will note the non-cooperation and/or non-participation. The Formal Investigation will continue and a recommendation will be made on the basis of the information available and the non-cooperation and/or non-participation will be noted in the Investigation Report

**7.46 Stage 4 – Respondent's Interview**

The interview shall begin with advising the respondent that the purpose of the Formal Investigation is to establish whether the purpose of the Formal Investigation is to establish whether, **on the**

**balance of probability,** a complaint is substantiated or not in accordance with the Terms of Reference.

This will be achieved by conducting a thorough interview of the respondent in order to elicit and fully clarify the facts behind the complaint in accordance with the Terms of Reference for the Formal Investigation.

The Investigator(s) shall:

- put to the respondent all of the allegations that the complainant has made about their behaviour
- allow the respondent and/or their Trade Union, legal representative or TU Dublin colleague an opportunity to raise all matters which they deem relevant to the Formal Investigation and which they wish to have considered in relation to the complaint
- ask whether other forms of corroborative evidence may be available, such as supporting documentation, files or records deemed to be appropriate to the investigation
- keep comprehensive and legible notes of questions put to the respondent and of answers given and of submissions and representations made by the respondent and/or their representative in the course of the interview
- compile a note of the interview after its conclusion
- explain that notes are prepared in relation to each allegation made and sent to interviewee with a timeframe for return. Minor changes may be accommodated. If after two attempts the notes have not been signed off, dissention may be recorded but the note stands and the investigation proceeds.
- explain that notes of the interview are provided to the complainant so that they can respond in full to the response made
- explain that they may meet with the complainant and the respondent on a second occasion to check facts and discrepancies in accounts with each prior to drawing final conclusions
- advise that a record of witness statements (if any) will be passed to both the complainant and the respondent
- explain that they will be given an opportunity to comment on the draft Investigation Report, including agreed notes of interviews, prior to it being finalised and sent to the Senior HR Manager on the relevant campus and that comments should be provided within seven working days
- explain how a decision on the outcome of the Formal Investigation will be notified i.e. by letter to the complainant, respondent and, if applicable, their nominated Trade Union representative from the Senior HR Manager on the relevant campus

**7.47 Stage 5 - Other Interviews**

Interviews with witnesses will be used to establish whether corroborative evidence of any nature is available. The Investigator(s) will conduct interviews with any person who may have any information which could assist in the Formal Investigation.

Prior to conducting interviews with witnesses, the Investigator(s) will ensure that each receives a letter informing them of the Formal Investigation and inviting them to assist the inquiry.

In the course of confirming arrangements for the/each interview, the Investigator(s) will ensure that the witness understands (or knows where they may obtain the necessary information regarding) the investigation procedure, and in particular:

- that they are entitled to be accompanied at interview by a Trade Union, legal representative or a TU Dublin colleague as long as they are not directly involved in the investigation
- the right to avail of the EAP at any point during the Formal Investigation.

- that they may contact the Investigator(s) to discuss the planned interview if further or more specific information is required
- that a record of the interview will be passed to both the complainant and the respondent
- the prohibition on making any contact, directly or indirectly, with the complainant, respondent or any other potential witness on any matter related to the complaint, and that any breach may result in disciplinary action

The interview will be conducted on the lines of the process set out above for the complainant and respondent interviews. The Investigator(s) may decide, if they see fit, to:

- interview colleagues of the complainant with whom the witness indicates they discussed the situation prior to the commencement of the Formal Investigation
- seek to contact others who may have witnessed the alleged bullying, harassment and/or sexual harassment but have not been named by the complainant and/or the respondent (e.g. colleagues who were on duty at the same time(s) and location(s) where the bullying, harassment and/or sexual harassment is alleged to have taken place)
- ask whether other forms of corroborative evidence may be available, such as supporting documentation, files or records deemed to be appropriate to the investigation

**7.48 Stage 6 - Re-Interview**

If appropriate, the Investigator(s) may re-interview the complainant and/or a respondent or witness if new, relevant information becomes available. The Investigator(s) should:

- put the new evidence to each party for comment
- allow each party and/or their representative an opportunity to make any final representations which they deem relevant
- keep comprehensive and legible notes and compile and finalise a record of each interview in accordance with the procedure previously set out
- advise the parties that copies of interview records may be made available to the other parties
- explain how a decision on the outcome of the Formal Investigation will be notified i.e. by letter to the complainant, respondent and, if applicable, their nominated Trade Union representative from the Senior HR Manager on the relevant campus.
- advise the parties of the mechanism by which a decision on the outcome of the Formal Investigation will be notified, i.e. by way of a letter to complainant, respondent and copied, if applicable, to their nominated trade union representative from the Senior HR Manager on the relevant campus.

Re-Interviews will be conducted on the lines of the process set out above for the complainant and respondent interviews. If requested and the Investigator(s) considers it is justified, an additional meeting may be agreed to.

**7.49** On completion of the Formal Investigation, a full Investigation Report, including all agreed notes and relevant documentation, determining whether an allegation of bullying, harassment and/or sexual harassment has, on the balance of probability, been substantiated or not will be prepared. The Investigation Report will be forwarded to the Senior HR Manager on the relevant campus for review before it is distributed by that manager to the parties.

**7.50** If there are significant concerns over the appropriateness of the Investigation Findings, the Senior HR Manager on the relevant campus may seek legal opinion before sharing the Investigation Report. Ultimately TU Dublin reserves the right to set aside the Investigation Findings if judged on legal grounds to be substantially flawed and/or they are not considered to be justified by the facts. All parties will be notified and a de-novo Formal Investigation may be started.

**General Principles of a Formal Investigation**

**7.51** While the circumstances may be difficult, both the complainant and the respondent will be expected to continue with the normal duties and maintain a professional working relationship during the course of a Formal Investigation. In exceptional circumstances, TU Dublin may agree to a request from a complainant, or respondent, that they transfer to another area of work during the course of a Formal Investigation. If approved, such a transfer must be acknowledged to be without prejudice to the rights of both parties, natural justice and the presumption of innocence. Where a transfer request is not approved, the complainant and the respondent may be expected to continuing engaging with each other. Arrangements may be put in place locally to manage such situations, for example, email communication only. Such arrangements are made on a without prejudice basis.

**7.52** Managers will have due regard at all times for their obligations to safeguard the health, safety and welfare of staff during the investigation process.

**7.53** Interviews will be held at neutral TU Dublin venues.

**7.54** An Investigator(s) will only use material which is in line with this policy. Specifically, the range of Investigation Findings is limited to **"Substantiated" or "Not Substantiated"** in relation to allegations of bullying, harassment and/or sexual harassment.

**7.55** An Investigator(s) may, at their discretion, avail of expert advice/assistance at any point during the Formal Investigation.

**7.56** A Formal Investigation should, where practicable, conclude within six months from when the Investigator(s) has commenced the investigation, but depending on the circumstances, this may not always be possible. Lack of co-operation with/or obstruction of a Formal Investigation may be treated as a disciplinary matter.

**7.57** Where a Formal Investigation takes longer than six months due to the complexity of the issue and/or operational constraints, the Investigator(s) must document the reasons why and provide these to the Senior HR Manager on the relevant campus.

**7.58** If the complainant or respondent involved in the Formal Investigation is absent from work due to sick leave, they may be referred to an Occupational Health Practitioner nominated by the University in order to ascertain if they are fit to participate in the process. In circumstances where one of the parties is deemed temporarily unfit to participate, the process may be paused. Prolonged medical unfitness of a complainant or respondent to take part in the process may result in an outcome being decided on the basis of whatever information is available to the Investigator(s).

**7.59** The complainant and respondent will be notified in writing of the outcome of the Formal Investigation and will be provided with a copy of the Investigation Report. Line managers/senior managers will be informed of the outcome by the Senior HR Manager on the relevant campus in so far as is necessary but will not receive a copy of the Investigation Report.

## 8 APPEAL

**8.1** Both the complainant and respondent have the option to seek an appeal of the Investigation Findings if they believe there are reasonable grounds to do so. If an Appeal is made it must be submitted in writing on the **Appeal Form** (Appendix 3), within 10 working days of receipt of the Investigation Report to the most Senior HR Manager on the relevant campus. It must clearly state the specific grounds for the Appeal. The Application to Appeal Form must detail the process and/or procedural reasons why the Appellant considers the outcome of the Formal Investigation to have been flawed. It cannot include allegations relating to matters already investigated. However, if relevant new information is put forward, which has only become known since conclusion of the Formal Investigation and which could have affected the outcome if known, it can be included in the Appeal. The most Senior HR Manager on the relevant campus will advise that other party in writing that an Appeal has been received.

The most Senior HR Manager on the relevant campus, in consultation with another Senior Manager within TU Dublin nominated by the President, will review the specific grounds for the Appeal and decide whether it is considered that they justify an Appeal Investigation taking place. If necessary legal advice may be sought if it is considered that some or all of the grounds do not justify an Appeal taking place. The Appellant will be consulted and advised of the legal advice if it is decided that there is no basis for an Appeal. Representations from the Appellant and/or their representatives will be considered before such a decision is confirmed.

**8.2** An Appeal Investigation may be carried out by either two internal Appeal Investigators (one male and one female) or an external Investigator(s) at the discretion of TU Dublin. In the case of two internal Appeal Investigators, they must be at least one grade higher than the complainant and respondent and have completed the University's Dignity and Respect at Work Investigation Training Programme. One of the two people will act as Chair.

**8.3** The Appeal will be conducted by reviewing the Investigation Report and the Appeal Form. The Investigator(s) can at their sole discretion decide to meet with the parties if they consider it is necessary in order to clarify some aspects of the Investigation Report or the Appeal Form. The notes of those meeting(s) will be shared with the other party. It is not the role of the Appeal Investigator(s) to re-investigate complaints made. Their role is to determine whether the actions taken by the original Investigator(s) was procedurally and substantively fair. Appeal Investigator(s) may, at their discretion, avail of expert advice/assistance at any point during the Appeal Investigation.

**8.4** An Appeal Investigation Report will be prepared and sent to the Senior Manager within TU Dublin who will review the outcome with the Senior HR Manager on the relevant campus before it is shared with the parties.

**8.5** If there are significant concerns over the appropriateness of the Appeal Investigation Findings, the Senior Manager within TU Dublin and the Senior HR Manager within the relevant TU Dublin Campus may seek legal opinion before sharing the Appeal Investigation Report. Ultimately TU Dublin reserves the right to set aside an Appeal Investigation Findings if judged on legal grounds to be substantially flawed and/or they are not considered to be justified by the facts. All parties will be notified and a de-novo Appeal Investigation may be started.

## 9 ACTION ARISING FROM CONCLUSION OF A FORMAL INVESTIGATION / APPEAL

**9.1** If the Appeal upholds the initial Investigation Findings that a complaint is substantiated, that is, if it is concluded that on the balance of probability bullying, harassment and/or sexual harassment has taken place, the parties will be told that the Disciplinary Procedures will be invoked against the respondent by the Senior HR Manager on the relevant campus.

**9.2** If a complaint is not substantiated, that is, if it is concluded that on the balance of probability bullying, harassment and/or sexual harassment has not occurred, the matter will be considered to be closed by the Senior HR Manager on the relevant campus unless there is evidence to support a view that the complaint was malicious or vexatious. In such circumstances, the Disciplinary Procedures will be invoked against the complainant by the Senior HR Manager on the relevant campus.

**9.3** The Disciplinary Procedures will be progressed to completion in the normal course and will not be delayed or suspended should the staff member concerned already be or subsequently come under disciplinary notice on any other matter during the relevant time.

**9.4** Disciplinary action if taken will be in line with the Disciplinary Procedures. Records of any warnings for bullying, harassment and/or sexual harassment will remain on the staff member's file and will be used in determining action to be taken if any further offences of the same or similar nature occur within the warning period.

**9.5** Counselling will continue to be available to the parties if required, through the EAP after the conclusion of the Disciplinary Procedures.

**9.6** The Senior HR Manager on the relevant campus will be responsible for informing the complainant/respondent (as appropriate) and, if applicable, their nominated Trade Union or legal representative whether disciplinary action has been taken but not the detail of the particular sanction. Line managers/senior managers (as appropriate) will be informed of the outcome by the Senior HR Manager on the relevant campus in so far as is necessary but not the detail of the particular sanction.

**9.7** Confidentiality of the Disciplinary Procedures will be respected by all parties as appropriate.

## 10 POST FORMAL INVESTIGATION / APPEAL

**10.1** Once the complaint has been dealt with, and appropriate disciplinary action taken where necessary, arrangements will be put in place by the Senior HR Manager on the relevant campus to minimise the risk of re-occurrence of the behaviour that led to the allegation(s) and the Investigation. The line managers of the parties to the dispute are required to notify the Senior HR Manager on the relevant campus immediately if any subsequent incident occurs that requires an intervention. In certain situations it may be appropriate to reach agreement with the parties on modified ways of working such that both can carry out their work responsibilities with minimal personal interaction.

**10.2** Where a complaint has been upheld, regular checks will be made by the line manager, or other manager if necessary, of the complainant to ensure that, the bullying, harassment and/or sexual harassment has stopped.

**10.3** Retaliation of any kind against anyone who takes part in an investigation into bullying, harassment and/or sexual harassment at work is a serious disciplinary offence.

## 11 SUPPORT SERVICES

**11.1** The TU Dublin offers its employees and families an Employee Assistance Service (EAS) which is a free and confidential counselling and information service operated by Spectrum Life. The service is available 24 hours per day, 365 days per annum. While the service is confidential, you will be required to identify that you are a TU Dublin employee, however, this will not be communicated back to TU Dublin by Spectrum.Life.

To avail of the service, please contact Spectrum Life as follows:

- call freephone 1800 814 243 or
- text "Hi" using Whatsaap or SMS to 087 369 0010 or
- email an enquiry to the specialist information service at **eap@spectrum.life**

You may also access their website by registering at: https://tudublin.spectrum.life/login?org=TUDubEAS. Once registered, you may log on to the following link going forward: https://TUDublin.spectrum.life/login. TU Dublin's organisation code is TUDubEAS.

## 12 RECORDS

**12.1** All investigation material, and where applicable, disciplinary material will be retained, on a strictly confidential basis, by the Senior HR Manager on the relevant campus.

**12.2** The Senior HR Manager on the relevant campus will securely retain material relating to Dignity and Respect at Work which may be anonymised to be used for compiling statistical and management information purposes. This material may also be used to monitor the operation of this policy and any modifications which may be required.

## 13 GENERAL PROVISIONS

**13.1** TU Dublin will take all reasonable steps to ensure that Dignity and Respect at Work matters are handled with sensitivity and with due regard to the rights and responsibilities of all parties under this policy.

**13.2** In circumstances where a complaint is not upheld, a change of work location for either or both parties, if requested, will be considered by management, where practicable.

**13.3** Any counter allegation will be treated as a separate complaint. The Formal Investigation procedures as detailed above will apply in every regard.

**13.4** This policy aims to ensure that any allegations of bullying, harassment and/or sexual harassment can be resolved within TU Dublin. However, it is a statutory right of every individual, should they wish to do so, to make a complaint under the Employment Equality Acts 1998 - 2015 or the Industrial Relations Acts 1946-2001. Advice on how to process a complaint in this way should be obtained from the Equality Authority.

**13.5** This policy will be reviewed and may be amended by Human Resources in line with operational experience, changes in the legislation, relevant case law and other developments.

## 14 COMMUNICATION

**14.1** TU Dublin is committed to taking positive measures to educate all staff on bullying, harassment and sexual harassment and the effects of this type of behaviour. Our commitment is to bring the policy to the attention of managers, staff, customers, clients and other business contacts. This will be achieved by:

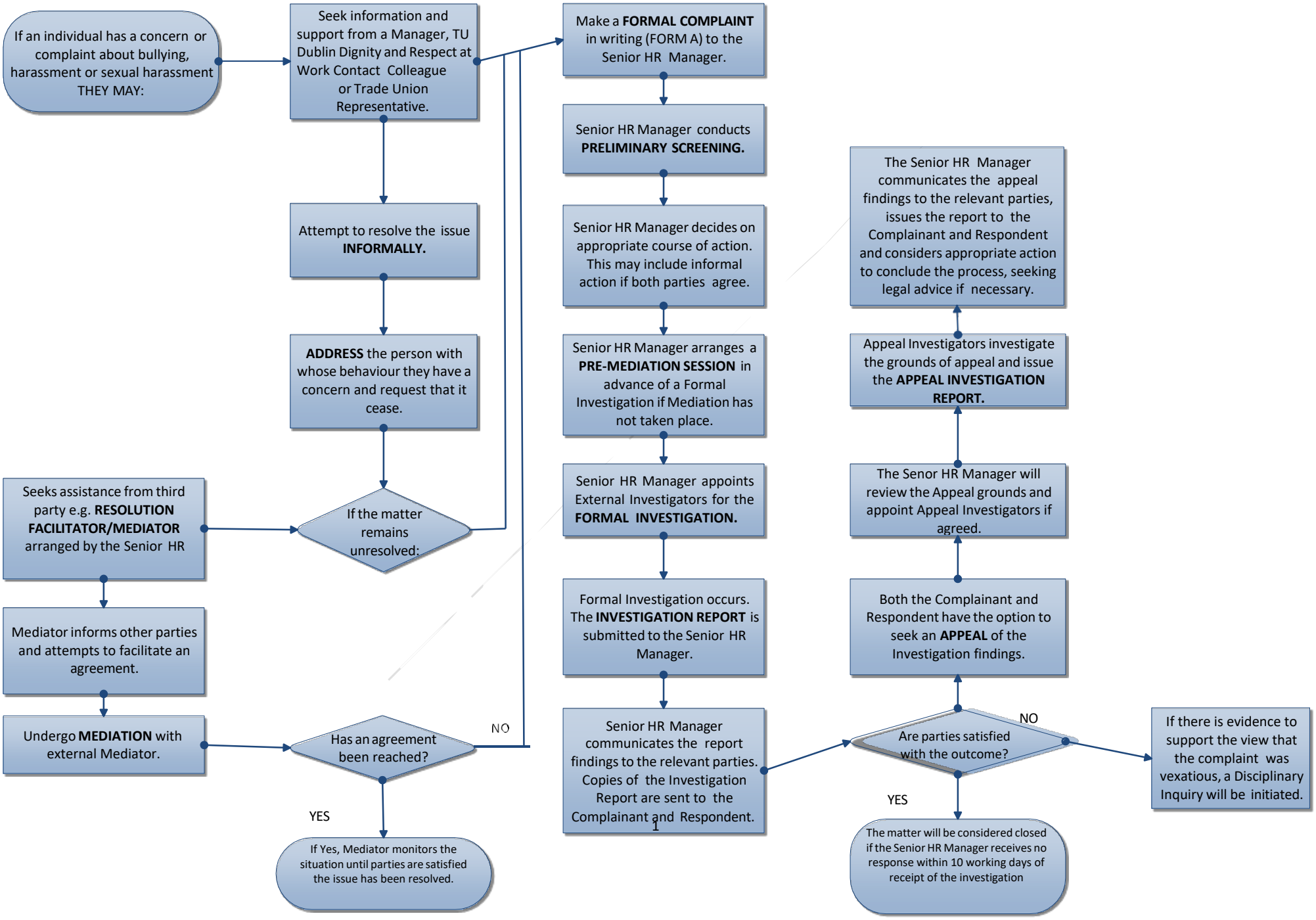
- awareness training for new staff at Induction;
- awareness training for mixed staffing groups and/or School/Department/Functional teams;
- training managers/supervisors on how best to promote a positive working environment, their responsibilities under this policy and dealing with complaints;
- publishing the policy on the HR website;
- displaying Dignity and Respect at Work Code of Behaviour posters throughout each campus.

**NOTE:**
As and from 1 September 2020, as the University continues to put in place control measures to combat the spread of coronavirus, including remote working, all references to meetings in this document will be conducted remotely and all correspondence to the staff member concerned will be sent electronically until such restrictions cease.

## 15 QUERIES

**Employee Relations - TU Dublin**
E-Mail: Employeerelations@tudublin.ie
Contact: Employee Relations Manager

**APPENDIX 1**
**DIGNITY AND RESPECT AT WORK- SUMMARY PROCESS FLOWCHART**


If an individual has a concern or complaint about bullying, harassment or sexual harassment THEY MAY:
Seek information and support from a Manager, TU Dublin Dignity and Respect at Work Contact Colleague or Trade Union Representative.
Attempt to resolve the issue **INFORMALLY.**
**ADDRESS** the person with whose behaviour they have a concern and request that it cease.
If the matter remains unresolved:
Seeks assistance from third party e.g. **RESOLUTION FACILITATOR/MEDIATOR** arranged by the Senior HR
Mediator informs other parties and attempts to facilitate an agreement.
Undergo **MEDIATION** with external Mediator.
Has an agreement been reached?
NO
YES
If Yes, Mediator monitors the situation until parties are satisfied the issue has been resolved.
Make a **FORMAL COMPLAINT** in writing (FORM A) to the Senior HR Manager.
Senior HR Manager conducts **PRELIMINARY SCREENING.**
Senior HR Manager decides on appropriate course of action. This may include informal action if both parties agree.
Senior HR Manager arranges a **PRE-MEDIATION SESSION** in advance of a Formal Investigation if Mediation has not taken place.
Senior HR Manager appoints External Investigators for the **FORMAL INVESTIGATION.**
Formal Investigation occurs. The **INVESTIGATION REPORT** is submitted to the Senior HR Manager.
Senior HR Manager communicates the report findings to the relevant parties. Copies of the Investigation Report are sent to the Complainant and Respondent.
Are parties satisfied with the outcome?
NO
YES
If there is evidence to support the view that the complaint was vexatious, a Disciplinary Inquiry will be initiated.
The matter will be considered closed if the Senior HR Manager receives no response within 10 working days of receipt of the investigation
Both the Complainant and Respondent have the option to seek an **APPEAL** of the Investigation findings.
The Senor HR Manager will review the Appeal grounds and appoint Appeal Investigators if agreed.
Appeal Investigators investigate the grounds of appeal and issue the **APPEAL INVESTIGATION REPORT.**
The Senior HR Manager communicates the appeal findings to the relevant parties, issues the report to the Complainant and Respondent and considers appropriate action to conclude the process, seeking legal advice if necessary.

**Appendix 2**
**Dignity & Respect at Work**

# Formal Complaint Form

- This form is to be completed in line with the TU Dublin Dignity & Respect at Work policy and procedures.
- If your complaint is against more than one person, please fill out a separate form for each person.
- Please submit this completed form to the Senior HR Manager on your campus

## 1. Complainant Details *(The person making the complaint)*

Name: _____ Position: _____

Staff Number (*If applicable*): _____ School/ Function _____

Email: _____ Telephone: _____

## 2. Respondent Details *(The person whom the complaint is against)*

Name and Work Location: _____

## 3. Nature of the Complaint *(Tick one or more as appropriate)*

1) Bullying: ☐ 2) Sexual Harassment: ☐ 3) Harassment ☐

## 4. Personal Statement

Please complete the following table with as much detail as possible of the complaint.

| | |
|---|---|
| **1. Incident 1** | |
| *Note: 2-5 must be completed for each incident.* | |
| **2. Locations, dates and times:** | |
| **3. Factual description of specific incident(s)including direct quotes, if they can be recalled:** | |

| | |
|---|---|
| **4. Names of Witnesses:** | |
| **5. List of supporting documentation, physical evidence, if any:** | |

| | |
|---|---|
| **1. Incident 2** | |
| *Note: 2-5 must be completed for each incident.* | |
| **2. Locations, dates and times:** | |
| **3. Factual description of specific incident(s)including direct quotes, if they can be recalled:** | |
| **4. Names of Witnesses:** | |
| **5. List of supporting documentation, physical evidence, if any:** | |

Signed: _____ Date: _____

Complainant

**For Human Resources Use Only**

Date Received: _____

Signed _____

Senior HR Manager

# Appeal Form

- This form is to be completed in line with the TU Dublin Dignity & Respect at Work policy and procedures.
- Please submit this completed Appeal Application Form to the Senior HR Manager on your campus

## Appeallant Details

Name: _____ Position: _____

Staff Number (*If applicable*): _____ Department: _____

Email: _____ Telephone: _____

## Specific Grounds for Appeal

Please complete the following table with specific details of the grounds for appeal.

| | |
|---|---|
| **Specific procedural ground(s) for Appeal** | |
| **Other reason(s) for why the Appeal was unfair** | |

Signed: _____ Date: _____

Appeallant

## For Human Resources Use Only

Date Received: _____

Signed: _____

Senior HR Manager