

Complaints of victimisation which result from lodging a complaint, or giving notice of intention to do so, will be treated as serious offences. If it is found that there is substance to these complaints, then they will be dealt with under the Institute’s Student Disciplinary Procedures.

Scope of Policy

This document applies to all students of the **DIT**, including apprentices, whilst they are engaged in **DIT** related business (for example in writing / email / telephone / internet) either on **DIT** premises or representing the **DIT** on non-**DIT** premises.

In cases where a student is also an employee of the TU Dublin City Campus, the Staff Dignity at Work Policy will be used, unless the students’ employee status is clearly irrelevant to the complaint.

This policy sets out procedures for the resolution of complaints in an informal manner (Phase 1). In cases where a complaint cannot be resolved in this manner, then the matter will be dealt with using the University Student Disciplinary Procedures. <https://www.dit.ie/media/registrations/studentsserviceswebsite/registrationservice/rulesregulations/Disciplinary%20Procedures%20May%2009.pdf>

The University also has a policy on use of IT and internet resources. In cases where the University IT and internet resources have been misused, any breaches of such policies and regulations by a student may also be dealt with under these procedures: <http://www.dit.ie/studentsservices/registration/rulesregulations/>

This policy has been developed specifically to deal with the issue of students being harassed or bullied by other students. In cases where there are non-students involved, the following table shows the appropriate procedures to be followed (the initial contact person is listed in parentheses).

Complainant	Respondent		
	Student	Staff	Non-TU Dublin
Student who is making the complaint	Student Policy on Dignity and Respect (Member of staff)	Bring complaint to attention of Line Manager of that staff member	Bring complaint to the Head of School of complainant for guidance.

Definitions:

The **Complainant** is a person who makes a complaint of bullying or harassment against another person.

The **Respondent** is the person who is alleged to have bullied or harassed the complainant.

Non-TU Dublin refers to contractors or visitors or other individuals who may be on a TU Dublin site. Complaints against Non-TU Dublin personnel will be referred to the Head of Human Resources, but in the first instance, students should bring the complaint to their Head of School.

If a staff member or a member of the public feels that they are being bullied or harassed, they should refer to the TU Dublin Dignity at Work Policy:
<https://www.dit.ie/media/humanresources/documents/policiesprocedures/Dignity%20at%20Work%20Anti%20Bullying%20&%20Harassment%20Policy%20-%20HRP018.pdf>

What is Bullying & Harassment?

Bullying or harassment can be broadly characterised as behaviours which are unwanted, unwelcome, and intimidating or offensive to the recipient. It is the unwanted nature of the contact that distinguishes bullying, sexual harassment and other forms of harassment from friendly behaviour which is welcome and mutual. The intention of the perpetrator is irrelevant.

The effects of bullying and harassment are varied. Bullying and harassment can be devastating and destructive for the victim, in both 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 bullying/harassment. Bullying and harassment are defined by the impact of the behaviour on the recipient rather than the intention of the perpetrator. The effect of the behaviour on the student concerned is what is important. It is up to each person to decide what behaviour is unwelcome, irrespective of the attitude of others to the matter.

An act of bullying or harassment can occur outside the University premises, and may be dealt with under this policy, provided the incident occurs at a college-related event.

Bullying - Definition

For the purpose of this policy the definition of bullying is as follows:

Bullying is **repeated** inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others which could reasonably be regarded as undermining the individual's right to dignity. An isolated incident of the behaviour described in this definition may be an affront to a person's dignity but, as a one off incident, is not considered to be bullying.¹

¹ Definition of bullying is derived from the *Report of the Task Force on the Prevention of Workplace Bullying*, (2001)

The following behaviour does not constitute bullying:

- the proper exercise of authority by University staff
- constructive and fair criticism of a student's conduct or work performance. This feedback may be from a staff member, from a peer in a group work situation, or from fellow committee/team members in a Club or Society.

Examples of Bullying

Behaviour that constitutes bullying may be physical, non-physical or verbal. In non-physical forms of bullying, the determining factor is the repeated and persistent nature of the unwanted and offensive behaviour against an individual or group.

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):

- 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;
- Written insults, for example by text message, online message board, internet messaging, email, etc.
- 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

Harassment – Definition

Discrimination is defined in the Equality Act 2004 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
- Marital status
- Membership of the Travelling community
- Race, ethnic origin or colour
- Religion
- Sexual Orientation

The Equality Act 2004 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.

For the purpose of this policy, the definition of harassment as outlined in the Equality Act 2004 will apply as follows:

Harassment 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.

Many forms of behaviour may constitute harassment including:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails 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 person 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.

Sexual Harassment - Definition

For the purpose of this policy, the definition of sexual harassment as outlined in the Equality Act 2004 will apply as follows:

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.

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 take many forms, for example:

- Sexual jokes, stories, comments, use of telephone (including text, picture or video 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 or otherwise (including a display of pornographic or sexually suggestive pictures or objects);
- Asking personal questions, telling lies or spreading rumours about a person'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.

Responsibilities of Students

All members of the campus community share a responsibility for ensuring that the campus environment is free from any form of bullying or harassment (including sexual harassment). This individual responsibility extends to an awareness of the potential impact of personal behaviour on others and how it may cause offence and make them feel uncomfortable or threatened.

All students must comply with the policy and ensure that their behaviour does not cause offence to fellow students or any person with whom they come into contact in the course of their studies. Students should confidentially inform the Head of School if they are concerned that a fellow student is being bullied or harassed and be prepared to cooperate fully with any investigation set up under these procedures.

Responsibilities of University

Staff It is the responsibility of all University staff to:

- familiarise themselves with this University policy;
- uphold it as an integral part of their work or academic programme;
- promote awareness of the policy among students;
- communicate policy to students, staff and non-staff members (ensure posters are prominently displayed and copies of the policy are readily available);
- be vigilant for signs of bullying and/or harassment;
- report activities which may be a symptom of bullying / harassment, e.g. offensive posters / graffiti.
- intervene in any instance where offensive behaviour is observed or brought to their attention;
- provide good example by treating all in the campus community with dignity and respect;
- respond sensitively and confidentially to a student who makes a complaint of bullying or harassment;
- respond promptly to requests from complainants to intervene promptly and seek to resolve the matter informally where appropriate;
- explain the procedures to be followed if a complaint is made;
- ensure, insofar as practicable, that the complainant is not victimised for doing so;
- monitor and follow up situations after a complaint is made to ensure that it does not reoccur.

Communication of the Policy

DIT is committed to taking positive measures to educate all students in awareness of bullying and harassment and the effects of this type of behaviour. Our commitment is to bring the policy to the attention of management, staff, students, customers, clients and other business contacts.

This will be achieved in respect of students by the following:

- reference to the policy in the student handbook, and other materials which are presented to incoming students
- a link to the policy to be placed on the main web-page for current students
- bullying and harassment awareness initiatives

This will be achieved in respect of staff through training and development initiatives including:

- Reference to the policy during induction training for staff
- Training managers/supervisors to deal with bullying & harassment issues

Support Services

If you believe that you are being or have been bullied or harassed, you can seek information or assistance in confidence from support services, such as Counselling, Chaplaincy, Students Union, or from a member of staff.

Given the often personal nature of bullying or harassment, the recipient may need to discuss his/her concerns in confidence with someone else, in a safe environment. The Counselling Service can be contacted directly at any stage for counselling, support and guidance throughout the process. The Counselling Service is available in a support role to all students, at all stages.

Procedure

This policy has been developed specifically to deal with the issue of interpersonal conflict between students. In instances where there are non-students involved, the issue will be dealt with under different procedures. The procedures to be followed (and the first point of contact in parentheses) are shown in the table below:

Complainant	Respondent		
	Student	Staff	Non-TU Dublin
Student	Student Policy on Dignity and Respect (Member of staff)	Bring complaint to attention of Line Manager of that staff member	Bring complaint to Head of School of complainant for guidance.
Staff	Student Disciplinary Procedures (Head of School of Respondent)	Staff Dignity at Work Policy (Staff Contact Person)	Bring complaint to Director of Human Resources
Non-DIT	Student Disciplinary Procedures (Head of School of Respondent)	Bring complaint to attention Line Manager of that staff member.	n/a

There are three approaches in TU Dublin for dealing with bullying and harassment among students:

1. The informal approach where a student may try to resolve the matter informally. Students may contact any member of staff who will assist the complainant(s) in resolving the matter informally themselves. If requested, the member of staff may intervene and seek to resolve the matter informally where appropriate;
2. The formal approach which uses the University Student Disciplinary procedures, but still allows scope for the Head of School to resolve the matter informally;
3. A third option of Mediation may be made available by the School where appropriate.

While it is the decision of the complainant in the first instance which approach to adopt in any particular situation the University will encourage the use of the informal approach before initiating the formal procedures. However, if an allegation is sufficiently serious then the University reserves the right to initiate the formal approach.

An offer of Mediation may be made by a relevant Manager / Head of School where they deem that the expert skills of a Mediator would be of assistance. Information on the informal and formal complaints procedures, and the mediation process, is outlined below.

A complaint must be made within six months of the latest incident(s) of alleged bullying, harassment or sexual harassment behaviour. In exceptional circumstances, the six months' time limit may be reviewed.

Before deciding which course of action to take, if any, the complainant should discuss the matter on a confidential basis with support services such as Counselling, Chaplaincy, Students Union, or with a member of staff.

1 - Informal

In many instances complaints of bullying and harassment can be resolved amicably between the parties involved using an informal approach. In many instances, such an intervention should be sufficient to enable the alleged offender to see the offending behaviour from the complainant's perspective and no further action may be required. A student who feels subjected to bullying or harassment should take the following actions:

- Approach any of the Support Services referred to in this policy for information;
- Speak privately to the person you feel is bullying/harassing you, make it clear that their behaviour is unacceptable and ask them to stop;
- If it is not possible for you to communicate directly with the person you feel is bullying/harassing you, you may request a friend / intermediary (including a member of staff) to speak to the person on your behalf
- Privately record all incidents of harassment or bullying in writing, including time, date and place. If the bullying is written / electronic make print-outs or copies of

the material as evidence. It may be of assistance to include a description of your feelings at the time;

- Ascertain if there were any witnesses to the bullying/harassment;
- If possible, avoid situations where you may be alone with the alleged bully/harasser.

If the informal approach is not effective in stopping the offensive behaviour, or if the incident is of a more serious nature, you can make a complaint to the Head of School of the alleged offender (respondent). Wherever possible, the Head of School will endeavour to resolve the matter informally, with the agreement of the complainant.

2 - Formal

A complaint should be made to the Head of School of the respondent. Depending on the nature of the complaint, the Head of School can explore if there is scope for resolving the matter informally. If the Head of School decides to use the formal procedures, then upon receipt of the complaint in writing, the Head of School shall seek to appoint two members of University staff from outside the School, to investigate the complaint and provide a report. Information on how the investigation should be carried out is available in the supporting document – “Student Dignity and Respect Policy – Investigation Procedures”. This investigation team shall determine whether the complaint has been substantiated or not, and shall present this report to the Head of School.

The Head of School shall forward a copy of the Investigation Team’s report to both the Complainant and the Respondent for comment. If either party wishes to appeal the outcome of the Investigation Team’s Report a written appeal must be made to the Director of Student Services within (5) working days citing the grounds of his/her appeal application (see section 4.4 of Investigation Procedures).

The final Report of the Investigation Team should be forwarded by the Head of School to the Disciplinary Officer without undue delay. The Disciplinary Officer and the Head of School shall decide on the most appropriate way to resolve the case, in particular, whether it should be dealt with by the Head of School or referred to a Disciplinary Board. The ultimate authority to decide how a case should be dealt with rests with the Disciplinary Officer. For further information please refer to the University Student Disciplinary Procedures.

3 - Mediation

Mediation is a process whereby an agreed **neutral**, impartial and suitably qualified Mediator meets with both parties, usually separately to begin with, to discuss the alleged offending behaviour. The Mediator will then bring both parties together to discuss their areas of concern. The substance of the complaint will be set out for both

parties in advance of the Mediation process. 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. The objective of Mediation is to resolve matters speedily and confidentially without recourse to a formal investigation and with a minimum of conflict and stress for the individuals involved. A mediated agreement will not result in the issues being dealt with under a disciplinary policy.

If the alleged harassment recurs, the parties may return to the Mediator for further redress or opt for one of the other approaches outlined in these procedures. Mediation does not affect the rights of any individual. If the Mediation process does not produce a satisfactory outcome, the complainant may seek to have the matter resolved through a formal investigation.

Mediation is a **voluntary** and **independent** process which cannot be imposed on parties. It can only take place if both parties agree to it and it can end at any stage if either party decides to do so. To work effectively, Mediation requires the voluntary co-operation of both parties. Even if fault is admitted during a mediated agreement, this information remains between the parties. A mediated agreement will not result in the issues being dealt with under a disciplinary policy. Any information exchanged during the Mediation process remains strictly **confidential** and cannot be disclosed as part of a formal investigation.

When a complaint is received by a Head of School, the complainant and respondent may be invited to participate in Mediation. Alternatively, a student may seek Mediation to resolve the dispute. The final decision in relation to invoking the Mediation process rests with the Head of School, although the complainant reserves the right to invoke the informal or formal complaints process at any stage.

Where it is decided to refer a complaint to Mediation, both parties will be put in contact with a mediator in order to activate this option and the situation will be kept under review by the relevant Head of School.

Post Investigation

Retaliation of any kind against a student for complaining or taking part in an investigation concerning bullying/harassment will be dealt with as an offence under the University Student Disciplinary Procedures.

Records

The document retention for the formal procedure is described in the University Student Disciplinary Procedures. Support services will, however, keep a record on the number, nature and resolution of the complaints made to them. These records should not contain any information which would facilitate the identification of the parties involved.

Monitoring

This information will also be used to monitor this policy in its application, to track the number and nature of complaints being raised, how people are accessing the policy, the speed of processing and any modifications which may be required.

Review of Policy

The owner of this policy is the Directorate of Student Services. This policy will be reviewed, on a three year cycle in line with changes in the legislation, relevant case law and other developments.

Appendix 1

TU Dublin Student Ombudsman

The Student Ombudsman is here to help students who encounter difficulties associated with the Institute's student-related rules, policies and procedures. They can also advise on any changes that would help avoid such difficulties in future

The Ombudsman investigates complaints and grievances which cannot be resolved by other means. Students, therefore, are encouraged to follow the procedures set out in this policy before asking the Ombudsman to get involved formally.