



**Trinity College Dublin**  
Coláiste na Tríonóide, Baile Átha Cliath  
The University of Dublin

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# **Dignity and Respect Policy**



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## **1. Purpose of this Policy**

The purpose of this policy is to set out the University's key principles, approach and procedures on the subject of Dignity and Respect in the University community.

It aims to maintain a positive, safe environment for employees, students and other community members which is free from any form of negative treatment, including discrimination, bullying, or any form of harassment.

### **1.1 The Environment We Want to Create**

- All members of our community are expected to be committed to, and behave in a way, which maintains a positive culture for work and study for all.
- Environment should be free from bullying and harassment. Creating a positive culture is everyone's responsibility and this can be done by giving positive feedback, celebrating success and treating everyone with respect.
- Within University communities where work and study, social interactions, and residential life all occur within one or a number of confined settings, we need to be vigilant of potential risks, and be aware of the potentially significant impacts of bullying or harassment.
- Our vision for across the University's campuses is for a safe and supportive student experience, and a safe and supportive workplace, free of instances of bullying or harassment.

### **1.2 Reading This Policy**

To assist you in reading this policy, we have put in a section outlining the key principles of the policy. It is recommended that this policy should be read in conjunction with other relevant University policies and procedures as referenced in this document.



### 1.3 Key Principles & Policy Overview

<b>Principles</b>	
<b>University Commitment</b>	The University is committed to promoting a positive environment where everyone is treated with dignity and respect, where work and study is free from bullying, or any form of harassment.
<b>Collective Responsibility</b>	Everyone within the University community has a responsibility to behave in a respectful way by respecting the dignity of others and participate in creating a positive culture for work and study.
<b>Roles and Responsibilities</b>	We each have a responsibility to be clear on our roles and responsibilities, as staff, students, managers, suppliers, consultants, contractors, Club/Society members.
<b>We will not Tolerate</b>	Any form of bullying or harassment is unacceptable, any breaches will not be tolerated.
<b>Disclosure encouraged</b>	<p>We are committed to the development of a culture where disclosure/reporting of any instance of bullying or harassment is encouraged, and we will ensure transparency in how the University deals with such matters.</p> <p>The University has a duty to act if it becomes aware of bullying and harassment without a complaint being made (for example by way of exit interviews or anonymous reports).</p>
<b>Policy Implementation</b>	
<b>Clarity on who is covered</b>	All Staff, Students, Suppliers, Consultants, Contractors, and all those who engage with the University in any capacity are all covered by and required to adhere to this policy.



<b>Information and Training</b>	We will promote awareness and understanding of bullying and harassment, through training and support for staff and students.
<b>Professional Support</b>	We will ensure an appropriate and accessible suite of supports is available to anyone who experiences bullying and harassment. This also applies to respondents to complaints of bullying and harassment.
<b>Policy development and support</b>	This policy has been developed with input from across the University community. Designated senior champions will give an independent voice advocating for a diverse workplace culture free of bullying and harassment where all employees feel respected.
<b>Policy breaches</b>	Breaches of the policy will be addressed through the appropriate (student or staff) disciplinary procedures and serious breaches of the policy will be considered as gross misconduct under disciplinary procedures.
<b>Gather appropriate data</b>	We will gather and maintain appropriate statistical data, which we will proactively monitor to ensure that we are achieving our commitments.
<b>Procedure Overview</b>	
<b>Which route to take</b>	The policy provides clarity on the appropriate routes to solution.
<b>Informal resolution</b>	If possible and appropriate, consider if a reported complaint or concern could be resolved informally.
<b>Formal Process</b>	If an informal process is not successful or appropriate, formal proceedings may then be followed in the form of an investigation.
<b>Thorough Investigation</b>	The investigation process is thorough, confidential and impartial. Formal complaints or concerns of breach of the





	terms of this policy may be investigated by experts selected from a panel appointed by the University.
<b>Confidentiality</b>	Confidentiality will be maintained throughout any process/investigation to the greatest extent consistent with the requirements of a fair investigation and legal requirements.
<b>Key Points</b>	
<b>Time is important</b>	Timelines are important – Complaints and concerns should be made as early as possible after the incident occurs.
<b>No limit on statutory rights</b>	<p>The policy does not attempt to limit any person’s statutory rights in respect of reporting to An Garda Síochána (Ireland’s national police) or under the Employment Equality Acts, 1998-2011 and the Equal Status Acts, 2000-2012 to submit a complaint to the Workplace Relations Commission (WRC).</p> <p>The statutory time limit is six months from the last act of discrimination for the WRC. It is important for employees to note that this time limit <b>will not</b> be paused pending the outcome of a workplace investigation, it shall continue to run.</p>
<b>Legislative requirements</b>	This policy is underpinned by relevant Code of Practice <sup>1</sup> and legislative provisions and the Safety, Health and Welfare at Work Act 20025.

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<sup>1</sup> Irish Human Rights and Equality Commission Code of Practice on Sexual Harassment and Harassment at Work [Code of Practice on Sexual Harassment and Harassment at Work \(ihrec.ie\)](https://www.ihrec.ie/code-of-practice-on-sexual-harassment-and-harassment-at-work)



## **2. Scope**

### **2.1 Who Does This Policy Apply To**

This policy applies to all members of our community, those supplying services to our community, or availing of services from our community. This includes, but is not limited to:

- All Staff,
- All Students,
- Guest Lecturers,
- Alumni,
- Any person on occasional/temporary/sessional work,
- Members and employees of Clubs/Societies who are not Trinity students or employees,
- Contractors and Sub-contractors,
- Consultants,
- Vendors and suppliers,
- All those, including retired staff who engage with the University and its associated bodies in any capacity.

### **2.2 Where and in What Circumstances Does the Policy Apply**

This policy applies to all areas of the University's operations and programmes. It applies to conduct which takes place:

#### **Our Campus/another Campus/other Venue**

On Trinity College's campus or at any other University or other place where our staff or students are representing the University; or are engaged in a University connected activity, inclusive of on-campus residences.



## **Events**

At events such as social functions, conferences, sporting events, field trips or work assignments which are related to the University, to a person's work/study, or at which a person is representing the University, or any University-connected activity.

## **Placements**

Where Trinity students or staff are on placement, internship or secondment in other organisations, they need to be aware of and adhere to the Dignity and Respect policies and other related and relevant documentation, issued by these organisations. Where a complaint is made against a Trinity student or staff member whilst they are on placement or secondment, our students or staff may be subject to the policies of these organisations as well as this University Policy.

### **2.3 To What Behaviour Does It Apply**

The policy applies to all forms of interaction and communication between people, directly or indirectly, including the spoken word, digital communications, photographs, images, written, and other non-verbal communication, including via sign language, through gestures and in posters.

## **3. Definitions**

### **3.1 Definition of Harassment**

Harassment is any form of unwanted conduct related to any of the discriminatory grounds of equality, being conduct that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. The nine discriminatory grounds of equality are Gender, Civil Status, Family Status, Sexual Orientation, Religion, Age, Disability, Race and Membership of the Traveller Community. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other materials.



### **3.2 Definition of Bullying**

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/study and/or in the course of employment or study, which could reasonably be regarded as undermining the individual's right to dignity and respect. An isolated incident of the behaviour described in this definition may be an affront to dignity but, as a once off incident, is not considered to be bullying. See appendix 2 for further explanation.

### **3.3 Definition of Sexual Harassment**

Sexual harassment is defined as 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. Complaints of sexual harassment are dealt with under the [University's Sexual Misconduct Policy](#).

### **3.4 Determining Harassment**

The Employment Equality Acts 1998 - 2015 do not prohibit all relations of a sexual or social nature at work. To constitute harassment the behaviour complained of must firstly be unwelcome. It is up to the recipient of any such behaviour to decide:

- (i) what behaviour is unwelcome, irrespective of the attitude of others to the matter,  
and
- (ii) from whom such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter.

The fact that an individual has previously agreed to the behaviour does not stop them from deciding that it has become unwelcome. It is the unwanted nature of the conduct which distinguishes harassment from behaviour which is welcome and mutual.

In addition, to constitute harassment under the Employment Equality Acts 1998 - 2015, the behaviour must have the purpose or effect of violating a person's dignity and



creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

### **3.5 Discrimination**

The Employment Equality Acts 1998 – 2015 defines discrimination as treating one person in a less favourable way than another person based on any of the equality grounds as set out under harassment in Appendix 2. These include recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment. Claims of discrimination (other than harassment) are managed under the Grievance Procedure for employees or Student Complaints (or other) for students.

A full list of definitions can be found at **Appendix 2**.

## **4. Policy Breaches**

Breaches of the policy may constitute grounds for invoking disciplinary procedures which may result in sanction up to and including dismissal or expulsion. This policy does not affect any person's statutory rights under the Employment Equality Acts and the Equal Status Acts.

Breaches of the policy will be addressed through the appropriate (student or staff) disciplinary procedures and serious breaches of the policy will be considered as gross misconduct under disciplinary procedures.

It is not the role of the University to investigate the crimes (as defined in legislation) of harassment. For a person to be prosecuted, the matter must be reported to the Gardai where thereafter a prosecution may be pursued by the Director of Public Prosecution against the alleged offender.



## **5. What to Do If You Have Concerns or Complaints**

Read through the full policy in advance of proceeding with further steps.

### **If you have a concern about how you were treated:**

- Seek appropriate guidance or assistance. This policy appendix 5 outlines the supports available.
- If appropriate, approach person who is causing concern and /or offense and ask them to stop.
- Recognise they may be unaware that their behaviour is causing concern and/or offense.

### **If someone raises a concern with you, about you:**

- Be open to the approach, understanding how difficult it can be for a person to speak up to raise the issue.
- If you do not agree with the person, or accept that any change is necessary, consider how you, or you both, might best seek support in resolving the issue.
- Supports are available to you and are outlined in the policy Appendix 5.

### **If you see something you are concerned about:**

- We all should be aware of the safety and welfare of colleagues/classmates, even if we are not in a formal position of responsibility.
- We should always respect the privacy of others, however, if a concern arises for the welfare of a colleague/ classmate, the matter should be raised with an appropriate person; the DR&C Support Advisors or the DR&C Manager.
- Where a disclosure or reporting of any instance of inappropriate behaviour is made, transparency is ensured via this policy as to how the College deals with such matters.
- This policy should not justify unwanted interference in the affairs of another.



## 6. Raising A Concern or A Complaint

When raising a complaint there are two available routes:

- Informal,
- Formal.

Raising a concern, and/or making a disclosure does not constitute raising a complaint and may be addressed informally. However, after seeking support, you may decide to then submit a complaint and seek to have it progressed informally or formally.

At any stage of the formal process the complainant can seek to revert to the informal process.

The process steps are outlined below.

### 6.1 Concerns or complaints regarding a student at Trinity College

#### Steps in Informal Resolution (Students)

<b>Consider Informal Resolution</b>	All options for informal resolution should be considered.
<b>Informal Conversation</b>	If and where appropriate, an informal conversation with the other party may help to resolve the matter.  Bearing in mind that the behaviour may not have been intended, this can be the most expedient way to address the matter effectively.
<b>Informal conversation, involving a University officer</b>	If appropriate, the Assistant Warden, Assistant Junior Dean or Tutor of the person against whom the concern or complaint arises may be engaged to facilitate dialogue with both parties.  This may involve facilitating the parties coming together to identify if there can be a shared understanding of a resolution to the issues.  The Assistant Warden, Assistant Junior Dean or Tutor's role in this option is neutral and non-judgemental.



<b>Facilitated Conversation</b>	Facilitated conversation is an alternative method of resolving complaints and is an informal process seeking assistance from a third-party to facilitate dialogue between the parties. This may be another suitably skilled colleague, specialist or external support. The process is voluntary and both parties must be willing to take part and agree to this approach. More details at <b>Appendix 7</b> .
<b>Mediation</b>	Mediation is an alternative method of resolving complaints and is an informal process through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and both parties must be willing to take part and agree to this approach. If the parties agree to this approach, the University will appoint a neutral and impartial Mediator to facilitate the process. Information on the mediation process is set out in <b>Appendix 6</b> .
Proceed to Formal route	If such interventions are not suitable or are unsuccessful, a formal mechanism may be appropriate.

## 6.2 Concerns or complaints regarding a member of Trinity College staff

Informal resolution should be considered in all situations in the first instance.

### Steps in Informal Resolution (Staff)

<b>Consider Informal Resolution</b>	All options for informal resolution should be considered.
<b>Informal Conversation</b>	If and where appropriate, an informal conversation with the other party may help to resolve the matter.





	<p>Bearing in mind that the behaviour may not have been intended, this can be the most expedient way to address the matter effectively.</p>
<p><b>Informal conversation, involving a manager</b></p>	<p>If and where appropriate, an informal conversation with the other party may help to resolve the matter.</p> <p>Bearing in mind that the behaviour may not have been intended, this can be the most expedient way to address the matter effectively.</p> <p>If appropriate, the manager of the person against whom the concern or complaint arises may be engaged to facilitate dialogue with both parties.</p> <p>This may involve facilitating the parties coming together to identify if there can be a shared understanding of a resolution to the issues.</p> <p>The Manager's role in this option is neutral and non-judgemental.</p>
<p><b>Facilitated Conversation</b></p>	<p>Facilitated conversation is an alternative method of resolving complaints and is an informal process seeking assistance from a third-party to facilitate dialogue between the parties. This may be another suitably skilled colleague, specialist or external support. The process is voluntary and both parties must be willing to take part and agree to this approach. More details at <b>Appendix 7</b>.</p>
<p><b>Mediation</b></p>	<p>Mediation is an alternative method of resolving complaints and is an informal process through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides.</p> <p>The process is voluntary and both parties must be willing to take part and agree to this approach.</p>



	<p>If the parties agree to this approach, the University will appoint a neutral and impartial Mediator to facilitate the process.</p> <p>Information on the mediation process is set out in <b>Appendix 6</b>.</p>
Proceed to Formal route	<p>If such interventions are not suitable or are unsuccessful, a formal mechanism may be appropriate.</p>

### 6.3 Steps in Formal Resolution (Staff and Students)

A complaint is considered formal once the DR&C Complaint form has been completed and the form is submitted to DR&C Manager.

<b>Complete form</b>	<p>The complaint must be made DR&amp;C Complaint form.</p> <p>The complaint should name the person against whom the complaint is raised and the details of the alleged act(s). The form can be found <a href="#">here</a>.</p>
<b>Preliminary Screening</b>	<p>Preliminary screening is carried out by a Screening Panel who decide on an evidentiary basis, whether the alleged behaviour falls within the definition of bullying and harassment as defined in the policy.</p> <p>If it is found that the behaviour falls within the definition of bullying and/or harassment, the Screening Panel may:</p> <ul style="list-style-type: none"><li>(i) recommend if informal intervention should be considered, or</li><li>(ii) recommend that the complaint proceed to a formal investigation.</li></ul> <p>If it is found that the behaviour does not fall within the definition of bullying and/or harassment, this will be conveyed to the complainant with explanation and options for further assistance.</p> <p>Full Screening Panel process <b>Appendix 4</b>.</p>



<b>Investigation</b>	<p>The services of an independent investigator may be engaged. It may at times be appropriate to appoint co-investigators to a complaint.</p> <p>Terms of reference are provided to all parties in advance of commencement of investigation.</p> <p>Investigations will be handled with fairness, sensitivity and with due respect for the rights of both the complainant and the respondent.</p> <p>Indicative timelines will be set out in terms of reference for completion of the various stages of the procedure to ensure the overall timescale is adhered to (as far as is reasonably practicable). Parties will be given reasonable time to consider the documentation and will have an opportunity to respond.</p>
<b>Bounds of confidentiality</b>	<p>All persons connected with the matter must maintain confidentiality. This includes refraining from discussing any aspect of the process, or its existence, with any person, with the exception of their chosen representative<sup>2</sup> /advisor or support<sup>3</sup>.</p> <p>Breaches of confidentiality by any party are subject to the University's disciplinary procedures.</p> <p>There should be no communication in relation to the complaint between the parties concerned, directly or indirectly, outside of the investigation.</p>
<b>Representation</b>	<p>Anyone involved in investigation meetings may be accompanied by a representative<sup>4</sup> or colleague at any/all stages of the investigation.</p> <p>Relevant witnesses may also be interviewed.</p>

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<sup>2</sup> Staff may engage trade union representatives; Students may engage student union representatives

<sup>3</sup> This does not preclude talking to medical/counselling professionals from whom services may be sought

<sup>4</sup> Staff may engage trade union representatives; Students may engage student union representatives



**Process and Records of meeting**

The parties concerned will be interviewed separately and detailed statements taken.

A record of all meetings will be kept by the investigator for the duration of the process. A neutral third party may be present to take notes.

The respondent will be given details of the allegations being made against them, together with any evidence provided to the investigator and given the opportunity to consider documentation and an opportunity to respond.

Relevant parties will have the right to state their case and reply to the issue at hand.

Counter allegations will be treated as a separate complaint.

**Investigation**

**Outcome**

If following investigation, it is determined that there is a case to answer, the investigation report will recommend whether disciplinary procedures should be invoked.

This may result in disciplinary action being taken under the University's disciplinary policies.

The complainant will be advised of the outcome of the investigation and if there is a case to be answered or otherwise. They will not be informed of any disciplinary measures that may arise from the case.

**Appeal**

Either party may appeal the outcome of the investigation. This must be done in writing and within 14 calendar days of the issuing of the initial decision and clearly set out the grounds for the appeal.

The other party will be advised of the appeal.

The Screening Panel will identify an appropriate party to conduct the appeal.



<b>Post investigation</b>	Management/Heads/Junior Dean will also take any appropriate actions, including preventative measures, and/or support for rebuilding relationships conducive to a professional and collegial environment.
<b>Mediation</b>	If during the investigation, the parties indicate that they believe the issue could be resolved through mediation, the formal process may be paused whilst mediation is explored.  The process is voluntary and both parties must be willing to take part and agree to this approach.  Information on the mediation process is set out in <b>Appendix 7</b> .
<b>Precautionary measures</b>	In appropriate circumstances, interim arrangements can be made to facilitate all concerned parties, where possible, pending the outcome of the investigation.  <b>Students:</b> In appropriate circumstances <sup>5</sup> , a student against whom allegations are made may be suspended from attending campus/class participation, in order to facilitate a thorough investigation.  <b>Staff:</b> A staff member against whom allegations are made may be placed off duty on full pay, in order to facilitate a thorough investigation. In some circumstances, other precautionary measures may be put in place.  A precautionary measure is not a penalty or a sanction and does not indicate that it has been concluded that the person concerned has committed a breach of discipline.  Precautionary measures may potentially be kept in place following an intervention depending on the circumstances.

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<sup>5</sup> In accordance with relevant provisions and procedures set out in the [Statutes](#) of the College



More information on maintaining a safe environment including victimisation and penalisation can be found in **Appendix 3**.

## **6.5 Concerns or Complaints Regarding An External Party**

Concerns or complaints against external parties (those who are neither staff or students of Trinity College) will follow the formal route outlined above.

If, following investigation into a complaint against non-College person(s) it is determined that there is a case to answer, the investigation report will recommend appropriate action to be taken against either the respondent or their employer.

## **7. Malicious/Vexatious Complaints**

We adopt the Code of Practice on Bullying 2021 definition of a malicious complaint as an allegation that is made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of alleged bullying and/or harassment against them. This could also apply to where one person maliciously complains of someone allegedly engaged in bullying and/or harassment towards a third party, without fully exploring the veracity of the claim.

A malicious complaint has the power to disrupt another person's life to a significant extent and the potential damage should not be underestimated. Being accused of bullying and/or harassment can have a serious impact on any person and reduce their reputation in the eyes of others, even if later shown to not have been proven. Those making complaints - and those involved in early assessment of the circumstances of a complaint should always be mindful of the context and situational aspects of the event and accept the different perspectives and points of view different people bring to the same event.

Making a malicious complaint, if proven, can have serious implications for the employment / studies of the person making such a complaint and this includes disciplinary action, where established.



## **8. Records**

### **8.1 Transparency through Monitoring and Reporting**

We are committed to being transparent in relation to issues of bullying and/or harassment in the University whilst still protecting anonymity. Data relating to complaints and reports of bullying and/or harassment will be used to inform the development of initiatives and activities designed to prevent such behaviour, including enhanced supports for those experiencing bullying and/or harassment and to maintain a safe and respectful environment for all.

Further details on transparency and confidentiality can be found at **Appendix 8**.

### **8.2 Data Protection**

The University has published data privacy statements for employees and students which explain how personal data is processed by the University in compliance with data protection legislation and the University's [Data Protection Policy](#). Further information is available at [www.tcd.ie/privacy](http://www.tcd.ie/privacy) and from the [Trinity College Data Protection Office](#). A specific privacy statement has been developed to support this policy which explains how the University will use personal data if one is a reporting person/complainant, person being reported/respondent or a witness in a case considered under the policy and procedure for handling cases of bullying and harassment. The Privacy Statement is located at this link [here](#).

## **9. Maintaining A Safe Environment**

### **9.1 Providing a Safe Place to Work and Study**

The Safety, Health, and Welfare at Work Act 2005<sup>6</sup>, (“the 2005 Act”) section 8 sets out the requirement for ‘Every employer shall ensure, so far as is reasonably practicable, the safety, health and welfare at work of their employees.’ It also applies to employees in relation to their duties under section 13 (1)(e) of the 2005 Act to ‘not engage in improper conduct or behaviour

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<sup>6</sup> [Safety, Health and Welfare at Work Act 2005 \(irishstatutebook.ie\)](#)



that is likely to endanger their own safety, health and welfare at work or that of any other person (including students)'.

As with any Health and Safety hazard identified in the workplace, section 19 of the 2005 Act places a legal obligation on the employer to identify such hazards and 'assess the risks presented by those hazards'. In the case of physical risks this is achieved by conducting a 'Risk Assessment'. However, the risk to Health and Safety in the workplace posed by bullying, harassment and other bad behaviours is both more subtle and nuanced.

When such hazards are identified, the University is required to implement any controls or improvements which are identified by a risk assessment. The University will rely on this legislation to conduct the necessary health and safety assessment(s) in accordance with the Health and Safety Authority (HSA) protocols in order to address such hazards.

More information on maintaining a safe environment including victimisation and penalisation can be found in **Appendix 3**.

## **10. Policy Ownership**

This policy is owned by the Director of Human Resources.

The policy will be reviewed after three years in operation.

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**End Policy**





## **Appendix 1      Roles and Responsibilities**

As members of our community, we are all expected to work to develop and maintain a high degree of respect in our diverse community and to participate in creating a positive and safe environment. As with all policies and procedures, this document assigns responsibilities to a range of roles within the University, including senior management of the University. Failure to uphold the responsibilities assigned is taken very seriously and may lead to informal or formal action, including, in the case of students, under the Student Code and Student Discipline Procedure, and in the case of employees under the Disciplinary Procedures.

Formal sanctions available for breach of University policies and procedures are graduated by reference to the seriousness of the breach, for students ranging between a written reprimand to permanent expulsion from the University in accordance with the Statutes<sup>7</sup>, and for employees at all levels ranging between a verbal warning to dismissal.

### **1.1      Governing Authority (Board)**

- Support the pursuit of the development and implementation of leading policies/procedures that clearly represent the values of Trinity College.
- Amplify the value and importance of dignity and respect in the University and supporting strategy of the Governing Authority.
- Engage in relevant training in relation to dignity and respect and more broadly, equality, diversity and inclusion.

### **1.2      Executive Officers Group (EOG)**

The University Executive Officers Group (EOG) are the senior leadership team of the University led by the Provost. They have overall formal responsibility for the operation of this policy. They have the responsibility to:

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<sup>7</sup> In accordance with relevant provisions and procedures set out in the [Statutes](#) of the College



- Visibly lead and champion a positive culture of dignity and respect free from bullying and harassment where trust and transparency around dignity and respect is paramount. This will include ensuring that all senior leaders are appropriately trained.
- Ensure that adequate resources are allocated to support a positive culture of dignity and respect including training and awareness raising campaigns and supports for employees and students.
- Proactively encourage individuals to seek support and guidance if experiencing issues of a bullying or harassment nature.
- Review dignity and respect reports and recommendations submitted on a biannual basis from the Consent Framework Implementation Oversight Group (CFIOG) and take the necessary action.
- Ensure that relevant and appropriate data is publicly available to enhance transparency around the process.
- Engage in relevant training in relation to dignity and respect and more broadly, equality, diversity and inclusion. Engage as appropriate, with the Board and external bodies such as the HEA in relation to progress on the implementation of the dignity and respect framework.

### **1.3 Consent Framework Implementation Oversight Group (CFIOG)**

The Consent Framework Implementation Oversight Group (CFIOG), reporting to the Equality, Diversity & Inclusion (EDI) Group/Human Resources (HR) and Executive Officers Group (EOG) on a quarterly basis and annually to the Board, will consist of key stakeholders from across the University and external members who are expert in the area of dignity and respect. It will have responsibility to provide oversight and guidance and enhance transparency around dignity and respect as follows:

- Provide guidance and direction in relation to the implementation of the Dignity and Respect policy and supporting framework to support a culture of dignity and respect in the University.



- Monitor progress in relation to the implementation of the broader Dignity and Respect Framework and Consent Framework and measure against established KPIs.
- Monitor statistical data relating to reports made under the Speak Out tool, formal dignity and respect complaints and contacts with designated supports roles such as the Dignity and Respect Contact Persons and the DR&C Support Advisors.
- Direct periodic assessments based on available data to be undertaken in accordance with the Safety, Health and Welfare at Work Act 2005, to assess the culture in an area in relation to Dignity and Respect and measure the impact of the policy.
- Ensure there is transparency in relation to dignity and respect in Trinity College through the publication of data, information and actions to address themes arising.
- Advise on best practice nationally and internationally.
- Act as Champions for a positive culture of dignity and respect and trust in the process
- Report into and make recommendations to EDI /HR and EOG on a quarterly basis and report annually to Board.

#### **1.4 Dignity, Respect and Consent Response (DR&C) Manager**

<b>Role</b>	<b>Function</b>
<b>Dignity, Respect and Consent Response Manager</b>	Has overall programme responsibility to manage implementation of the institutional Dignity and Respect and consent programmes as well as engage appropriately with internal and external stakeholders.

The role of the DR&C Manager will entail both prevention and response actions. They will play a central and proactive role in fostering a safe, respectful, and supportive culture in the institution. They may have the following responsibilities. This is a non-exhaustive list:

- Creating and implementing an education, training, and awareness-raising plan for staff and students.



- Engaging with external specialist services/agencies and disseminating relevant information.
- Assisting the University to establish and monitor, policies and procedures relating to allegations of bullying and harassment and any complaint under the Dignity and Respect policy involving staff and students and other categories of people at the University who are neither staff nor student.
- Implementing and monitoring institutional reporting systems, including the anonymous-reporting system ‘Speak Out’.
- Liaising with representatives of relevant institutional services, implementation committees and external specialist services/agencies.
- Keeping up to date with relevant national and international practice.
- Managing a small team of DRCR Support Advisors who will assist and support complainants and respondents where disclosures have been made under the Dignity and Respect Policy.
- Assisting the institution in the processing of allegations or complaints under the Dignity and Respect policy involving staff or students. For example:
- Providing help and support to the Screening Panel who receive disclosures and complaints/concerns within the institution.
- Updating institutional Senior Management and collating data and statistical information for internal and external reports.

The DR&C Manager will not be involved in deciding whether individual Dignity and Respect allegations should be upheld and/or disciplinary sanctions imposed. Such decisions will be made via the institution’s relevant processes. While they may be involved in initiating and depending on the institutional policy in place, coordinating the process, they will not personally participate in any investigation panels/process, nor will they seek to influence the findings of said panels/process.



## **1.5 DR&C Support Advisors**

The key responsibilities of the roles include:

- Providing impartial information and support around options in relation to resolving issues of a bullying and harassment nature.
- Supporting engagement in informal interventions if there is a desire to do so including the provision of information on mediation and liaising with the external mediation provider in the event that mediation is proceeding.
- Accompanying a reporting person to approach the person carrying out the alleged bullying and harassment behaviour and potentially engaging with them if requested.
- Supporting and guiding the reporting person in making a formal complaint if they wish to do so.
- Accompanying complainants or respondents to investigation meetings (if requested to by the complainant or respondent) and providing after care support following a formal investigation process regardless of the outcome.
- Signposting and referring individuals to other appropriate support services both within the University and externally.
- Keeping accurate records to a safe, secure, professional, and ethical standard.
- Providing specialist advice to University and College employees/students on individual cases of dignity and respect, including possible actions to ensure that employees and students feel safe and protected.
- Providing key support for the panel of Dignity and Respect Contact Persons and guide and advise as appropriate ensuring a high standard and consistency in delivery of support as well as championing of the panel.
- Liaising closely with other key Dignity and Respect supports such as Student Advisers, EDI, HR and the CFIOG.
- Supporting the delivery of dignity and respect training to employees and students.
- Monitoring contacts and disclosures which will feed into the overall data reporting system that will support the CFIOG Sub-Group make decisions around instigating assessments in accordance with the Safety, Health and Welfare at Work Act 2005.



- Keeping abreast of best practice developments in this area nationally and internationally.

## **1.6 Individuals**

As individual members of the University Community, we all have a responsibility to:

- At all times, treat all members of the University community with whom you interact with dignity and respect and be aware of the impact of your actions.
- Be familiar with the principles of this policy and positively contribute to a culture of consent and respect by engaging with any training and/or awareness raising and initiatives.
- If you witness behaviour that you consider to be bullying and harassment, you should report it to a Head of School/Line Manager or the DR&C Support Advisors.
- Encourage any individual that confides in you that they have experienced bullying or harassment, to seek support and guidance from the sources available.
- Engage in training and awareness raising on the matters that are the subject of this policy.
- Engage in respectful conduct or behaviour that will not endanger your own safety, health and welfare or work or that of any other person including obligations under the Safety, Health and Welfare at Work Act, 2005.

## **1.7 Office of Junior Dean (for students)**

The Office of the Junior Dean is charged by the Board of the College with the general oversight of student conduct. To that end the Board has authorised the imposition of a series of sanctions in cases which are brought before the Junior Dean's Office. For minor offences this may result in a fine being imposed upon a student. For major offences this can result in a student being expelled from College.



- Signpost Heads of School/Unit on addressing bullying and harassment related matters including how they can best support those **students**’ experiencing issues of a bullying and harassment nature.
- Signpost **students** to specialist supports listed at this link [here](#) and advisors such as the DR&C Manager, DR&C Support Advisors, Contact Persons, Student Counselling Service.

## **1.8 Human Resources (for employees)**

Human Resources have a pan-university role in supporting Line Managers, Heads and other persons with responsibility for dignity and respect matters. Human Resources have specific expertise and experience in all aspects of dignity at work issues and are in a position to provide or source appropriate supports to persons responsible for dealing with bullying and harassment matters when needed.

- Provide advice to Heads of School/Unit and line managers on addressing bullying and harassment related matters including how they can best support those **employees** experiencing issues of a bullying and harassment nature.
- Signpost **employees** to specialist supports listed at this [here](#) and advisors such as the DR&C Service, Contact Persons, Employee Assistance Programme.
- Provide management support to investigators in the formal bullying and harassment complaints process.

## **1.9 Equality, Diversity & Inclusion (EDI) Office**

The University’s Equality Officer, located within the Equality, Diversity and Inclusion (EDI) Office, has a broad remit in encouraging diversity and supporting the University in ensuring that our policies and practices are compliant with our legal requirements and also to support their effective operation.

- Champion and maintain a culture of consent and respect throughout the University Community where bullying and harassment is not tolerated.



- Support the work of the Consent Framework Implementation Oversight Group.
- Engage in relevant and appropriate training.

Monitor, report on and publish the data in relation to bullying and harassment from the various sources and compile statistical reports and make recommendations to the Consent Framework Implementation Oversight Group.

### **1.10 Role of the Screening Panel**

The role of the Screening Panel is to:

- To make an evidentiary based decision as to whether the alleged behaviour, which is the subject of the complaint, falls within the definition of bullying and harassment as outlined in the Dignity and Respect Policy.
- To make recommendations in relation to the consideration of informal options where appropriate as per the Dignity and Respect Policy.
- To assess the impact of a delay on bringing a complaint forward on the likelihood of a fair investigation being carried out.
- To outline their decision in writing and to recommend alternative appropriate University policy or procedure, if relevant. In this instance consideration will be given to the fact that the individual has already completed a complaint form outlining the details of the incident(s).
- If relevant, the Screening Panel may make a recommendation to the Director of Human Resources and or to the Junior Dean that precautionary action should be considered, based on the information contained in the complaint form.

### **1.11 People Managers**

People Managers have important roles to play in creating a culture of consent and respect in their School/Unit/Professional Service and supporting employees who are experiencing issues of bullying and harassment, with support from HR.





There may be instances where an individual may feel that there is a conflict of interest in approaching their line managers where the issue is with the line manager or if both individuals involved report to the same manager. In this instance, individuals can approach the next management level up or contact the DRCR Case Advisor in addition to engaging with the other sources of support available.

The role of the People Manager is to:

- Have primary responsibility for ensuring that the environment for which they are responsible, is positive and respectful.
- Be responsible for dealing effectively with concerns that come to their attention, either directly from a person experiencing offending behaviour, or by another means.
- At all times, treat all members of the University community with dignity and respect.
- Proactively maintain ongoing awareness in relation to consent and respect in their area including keeping consent and respect as a regular agenda item at School/Unit meetings.
- Work with those involved in a bullying and harassment issue in a proactive manner to support the resolution of issues and stop the unacceptable behaviour. Seek advice from HR and the DR&C Service and engage with other people managers to seek support and advice (anonymously) in relation to addressing issues of consent and respect in their areas.
- Undertake appropriate training and be able to explain the policy and the supports to employees in their area.
- Encourage employees to come forward to report issues and to encourage them to seek support and guidance from the DR&C Service and other supports that can assist in the resolution of issues.
- Monitor and follow up on the situation to ensure that unwelcome and non-consensual behaviour does not occur or recur.



- Ensure their employees with a concern feel confident that bringing the matter to the attention of their Line Manager will result in the matter being dealt with appropriately in line with the procedures and principles set out above.

### **1.12 Tutor/Assistant Warden/Assistant Dean:**

- A Tutor/Assistant Warden/Assistant Dean has primary responsibility for ensuring that the environment for which they are responsible, is positive and respectful.
- A Tutor/Assistant Warden/Assistant Dean is responsible for dealing effectively with student concerns that come to their attention, either directly from a student experiencing concerning/offending behaviour, or by another means.
- A student with a concern should feel confident that bringing the matter to the attention of their Tutor/Assistant Warden/Assistant Dean will result in the matter being dealt with appropriately in line with the procedures and principles set out above.
- A Tutor/Assistant Warden/Assistant Dean will undertake appropriate training and be able to explain the policy and the supports to students.

### **1.13 Contact Person**

- Contact Persons under this policy are available to any member of the University community.
- Contact Persons are available for confidential, discreet, private informal conversations.
- A Contact Person can provide information on the University's Dignity and Respect Policy and explain and explore the options available in addressing concerns.
- The Contact Person will not disclose any matter, unless it involves acts, circumstances or incidents that require mandatory reporting, or which give reason to be concerned for someone's safety.



- The Contact Person has no investigative, decision-making, representative or witness role in any process.
- The Contact Person will undertake appropriate training and be able to explain the policy and the supports to the College community.

### **1.14 Trade Unions**

One of the broader roles of a Trade Union is to advocate for and represent their members among employees. This is a role that extends to bullying and harassment issues.

Employees may seek advice and representation from the relevant Trade Union.

The University has a policy of partnership with representative organisations and works to bring about a shared understanding of the requirements of this policy and its operation.

However, it should be noted that trade union act independently of the University to represent their members, they do not act on the University's behalf.

Trade Union representatives should undertake appropriate training and be able to explain the policy and the supports to their members. Contact details for the various Trade Unions can be found at this link [here](#).

### **1.15 Students Unions**

One of the broader roles of Students Union or Association is to advocate for and represent students. This is a role that extends to bullying and harassment issues.

Students may seek advice and representation from the relevant union/association.

The University has a policy of partnership with representative organisations and works to bring about a shared understanding of the requirements of this policy and its operation.



**Trinity College Dublin**

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

However, it should be noted that student representatives act independently of the University to represent students, they do not act on the University's behalf.

Student Unions representatives will undertake appropriate training and be able to explain the policy and the supports to students.

Contact details for the Trinity College student's union can be found at this link [here](#).



## **Appendix 2      Definitions**

### **2.1    What Is a Respectful Positive Culture**

It is a culture where all opinions and backgrounds are valued, one where:

- We treat all people with dignity and respect.
- Everyone is valued with no unfavourable treatment permitted regarding any characteristics related to: where they are from, their disability status, religion, gender, sexual orientation, size, age, race, ethnicity, membership of the Traveller community (incorporating principles of our Equality Policy).
- We can freely express ourselves and share our ideas with confidence that will not be disrespected or mistreated in any way.
- We practice constructive dialogue when engaging with each other.
- Disputes and disagreements are resolved in a healthy, respectful way.
- We have open channels of communication.
- We value diversity of views, perspectives and backgrounds, without presumption or judgement.
- New colleagues and classmates are welcomed across the University.
- Advancement and promotions are unbiased, fair, and based entirely on merit.
- It is not the intention of the policy to discourage or prevent normal good-humoured chat and banter between colleagues and classmates. Care must be taken not to cross the line into unacceptable behaviour, which may be offensive, abusive, intimidating, malicious or insulting.
- Each individual should be aware of their own behaviour and its potential effects on others.

Breaches of the policy may constitute grounds for invoking disciplinary procedures which may result in sanction up to and including dismissal or expulsion. This policy does not affect any person's statutory rights under the Employment Equality Acts, the Equal Status Acts and



the Public Sector Equality and Human Rights Duty (the Public Sector Duty) as set out in section 42 of the Irish Human Rights and Equality Commission Act 2014.

## **2.2 Definition of Harassment**

Harassment is any form of unwanted conduct related to any of the discriminatory grounds, being conduct that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other materials.

The Employment Equality Acts 1998-2015 define harassment as unwanted conduct which is related to any of the nine discriminatory grounds.

The nine grounds are: gender, civil status, family status, sexual orientation, religion, age, disability, race, membership of the Traveller community.

## **2.3 Definition of Disclosure**

In the context of this policy, disclosure refers to the case where an individual discloses that they feel they have been subjected to bullying or harassment. Making a disclosure does not constitute raising a complaint, however after seeking support, you may decide to then submit a formal complaint and seek to have it progressed informally or formally.

When making a disclosure, you will be supported to work through the issue by a trained support person, such as the DR&C Support Advisor and discuss what a resolution would look like for you, with safety for everyone being of paramount importance. You will also be signposted towards other internal and external supports.



## **2.4 Reporting Person**

A reporting person is defined as an individual that has come forward to report an incident(s) that they consider to be bullying or harassment type behaviour. However, no complaint form has been submitted at this point.

## **2.5 Person Being Reported**

A person being reported is defined as the individual that the reporting person considers to be conducting the bullying or harassment type of behaviour, however no formal complaint form has been submitted at this point.

## **2.6 Complainant**

The Complainant is a person who makes a formal complaint, using the complaint form, that they have been subject to bullying or harassment.

## **2.7 Respondent**

The respondent is a person who is named in a formal complaint as having allegedly carried out the bullying or harassment complained of.

## **2.8 Complaint**

A complaint is a statement that something is unsatisfactory or unacceptable to them, for example a complaint about how they have been treated and want it addressed either informally or formally.

## **2.9 Concern**

A concern is a matter that engages a person's attention, interest, or care, or that affects a person's welfare, for example about how they have been treated and they wish to report their concern but do not want it addressed or they may wish to have it addressed informally.



## **2.10 Discrimination**

The Employment Equality Acts 1998 – 2015 defines discrimination as treating one person in a less favourable way than another person based on any of the equality grounds as set out above under harassment (Appendix 2.2). These include recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment including sexual harassment. Claims of discrimination (other than harassment and sexual harassment) are managed under the Grievance Procedure for employees or Student Complaints for students.

## **2.11 Vulnerable Person<sup>8</sup>**

A “vulnerable person” means a person, other than a child, who—

- (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- (b) has an intellectual disability,
- (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- (d) has a physical disability,

which is of such a nature or degree—

- (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
- (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

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<sup>8</sup> Definition from the National Vetting Bureau (Children and Vulnerable Persons) Act 2012





## **Appendix 3      Maintaining a Safe Environment**

### **3.1      Victimisation**

No person should be the subject of any act or omission that affects them to their detriment for having raised bullying or harassment issues for themselves or which they may have witnessed, making a formal complaint in good faith, for giving evidence in an investigation (for example as a witness/bystander) or by giving notice of intention to do so under the Dignity and Respect Policy. The University takes victimisation very seriously and action will be taken in instances where this occurs. Any individual that experiences victimisation is strongly encouraged to seek support and report this behaviour to the DR&C Support Unit.

### **3.2      Penalisation**

The Safety, Health and Welfare at Work Act, 2005 (the “2005 Act”) prohibits employers from penalising employees for making complaints in respect of health and safety matters in the workplace. Penalisation under the 2005 Act is defined as any act or omission of an employer which affects a term or condition of employment of an employee to their detriment. Penalisation could include suspending, demoting, dismissing an employee or reducing their wages. It could also include coercion or intimidation.

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## Appendix 4      **More Information on The Role of The Screening Panel**

### 4.1      **The Screening Panel**

- The Screening Panel consists of four people in total: three primary senior nominees who will generally be from HR, EDI Office, the Office of the Junior Dean and an appointed independent third party. Appropriate gender representation will be reflected as far as possible on the Panel.
- In reserve, there are three other internal nominees and four external members in total. Full details on the panel members can be found at this link [here](#). Members of the screening panel will receive training in relation to bullying, harassment and sexual misconduct, including trauma informed and sexual violence training.
- If a conflict of interest exists in relation to any member of the screening panel regarding a particular formal complaint, the panel member will recuse themselves and the next available reserve panel member will be called upon. In the event that both the primary and reserve panel members from either HR, EDI Office or the Office of the Junior Dean are conflicted then, the Head of the Area concerned will nominate a further person from their function to act as a panel member on an exceptional basis.

### 4.2      **The Role of the Screening Panel**

- To make an evidentiary based decision as to whether the alleged behaviour, which is the subject of the complaint, falls within the definition of bullying or harassment and the scope as outlined in Dignity and Respect Policy.
- To make recommendations in relation to the consideration of informal options where appropriate in the case of bullying and harassment as per the Dignity and Respect policy. Proceeding to a formal process should not be viewed as automatic and it is important that it is recognised that it is the reasonable evidence-based decision of management.



- To assess the impact of a delay on bringing a complaint forward on the likelihood of a fair investigation being carried out. The impact of the delay will need to be determined by the Screening Panel based on the information they receive as part of the formal complaint, and they will consider the following:
  - The circumstances of the alleged complaint.
  - The complexity of the alleged complaint.
  - The cause of the delay.
  - Possibility of prejudice to the respondent.
- To outline the reasons for their decision in writing, that if the complaint does not fall within the remit of the Dignity and Respect policy, then the Screening Panel will outline why this is the case in writing and point the complainant to other policies/processes of relevance.
- In this instance (referral to another appropriate policy) consideration will be given to the fact that the individual has already completed a complaint form outlining the details of the incident(s).
- To make a recommendation, where relevant, to the Director of Human Resources and or the Junior Dean that precautionary action should be considered, based on the information contained in the complaint form.

### **4.3 The Screening Panel Decision**

- The Screening Panel will make its decision based on the written complaint submitted but reserves the right to seek clarification from the complainant in relation to any aspect of their complaint and/or seek legal advice.
- Where there is more than one University procedure (and/or policies) applicable to any one matter, this will be reviewed by the Screening Panel, and they will decide which of the University procedures (and/or policies) should have priority or be the most appropriate in the circumstances and may direct the continuations of some



procedures(s) (and/or policies) and the suspension of others pending the outcome of the former.

- Where a decision is made that not all issues raised in the complaint are deemed to be in scope of the Dignity and Respect policy, that will be shared with an investigator as part of the investigation process.
- Decisions made by the screening panel are not a pre-determined outcome of the findings of an investigation. An Investigator may also make a finding that a complaint was not in scope having received further information not available to the Screening Panel.

#### **4.4 What happens next?**

- The Screening Panel will outline their decision in writing to the DR&C Manager. If the alleged behaviour is deemed to fall under the relevant definition(s) and scope, and informal options are deemed to be inappropriate by the Screening Panel, the Screening Panel will put the complaint forward for investigation.
- The DR&C Manager will then notify the complainant in writing of the outcome of the preliminary screening and key contacts going forward normally within 10 working days from the date of the complaint being received by the panel.
- If the panel has recommended informal options (in the case of a bullying or harassment allegation) as the most appropriate means of resolving the issue, a nominated person (member of the Screening Panel) will arrange a meeting with the complainant and respondent separately. The purpose of these meetings is to discuss the informal options available and the reasons as to why informal resolution is considered to be the most appropriate and effective means of resolving the issue(s). A note taker will also attend the meeting.
- The respondent will be notified of the complaint and provided with a copy of the formal complaint form, screening panel decision and these procedures at this point. The complainant and respondent will be provided with a written summary of the actions agreed following the meetings.



- The complainant and respondent must inform the DR&C Manager of their decision in writing in relation to their decision around proceeding with informal options within five (5) working days of meeting with the member of the Screening Panel and their decision will be confirmed in writing.
  - If informal resolution is proceeding, the formal investigation process will not commence to allow for informal resolution to be engaged with by the parties involved. If informal resolution is successful, then the complaint will be considered to be appropriately dealt with and both parties will be informed accordingly. If informal resolution is unsuccessful, the formal complaints investigation will commence.
  - If there are mitigating factors as to why informal options are not appropriate, then the complaint will proceed to a formal investigation.
  - If the complaint is put forward for formal investigation, a DR&C Support Advisor will be appointed as the TCD contact person for both the complainant and respondent and they will manage the administration of the investigation process. They will receive the complaint in order for the formal investigation procedure to commence.
  - The respondent will then be notified within ten working days and provided with the Complaint Form, the Policy, these Procedures and the written decision of the Screening Panel, if informal options were not recommended and therefore the respondent has not been provided with these documents previously.
  - If the complaint is deemed not to come within the scope of the Policy, the complainant will be so informed by the DR&C Manager and advised on the appropriate procedure for dealing with the matter if relevant. In this instance, the respondent will not normally be notified of the complaint and details of supports under this policy.
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## **Appendix 5      More Information on the DR&C Support Advisors**

- DR&C Support Advisors will be hired into this role.
- There will be DR&C Support Advisors to support both employees and students.
- The DR&C Support Advisors will work proactively with employees and students who disclose issues of a bullying and harassment nature and those who are reported.
- DR&C Support Advisors, who are experienced and trained to support, respond and advise on all reports of a dignity and respect nature, will provide you with a supportive, confidential environment in which to discuss the issues and support you to make a decision that is right for you and your situation.
- As a reporting person, the DR&C Support Advisors will provide support and work with you in relation to the steps to seeking a solution to the issues you are experiencing. This includes supporting you through any informal interventions you wish to use, including accompanying you to meetings with the individual if you wish to approach them or potentially engaging with the other individual depending on the circumstances.
- They can also assist you in completing the formal complaint form if you wish and continue providing that support throughout the formal complaints process which may include accompanying you to investigation meetings and the provision of aftercare support following any informal or formal interventions.
- DR&C Support Advisors are also available to support you if you have been accused of bullying and/or harassing behaviour however different DR&C Case Advisors will support the various people involved to avoid a conflict of interest.
- DR&C Support Advisors will provide details about the informal options available or if a formal complaint has been made, they will provide information as to what this will normally entail. They may accompany you to investigations and also provide aftercare support.
- The DR&C Support Advisors will also support, and work closely with, the panel of Contact Persons, who are trained voluntary support roles available to those experiencing issues of a dignity and respect nature.



## Appendix 6 Mediation

The University supports the use of mediation as an alternative method of resolving complaints. Mediation is an informal process, through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and both parties must be willing to take part and agree to the appointment of a Mediator.

If the parties agree to this approach, the University will appoint a neutral and impartial Mediator to facilitate the process. The person appointed will be an experienced trained Mediator. The mediation process is strictly confidential to the parties involved. The notification of any agreed outcome may be communicated to any other party only by agreement with the participants and the Mediator.

<b>Mediator's role</b>	<ul style="list-style-type: none"><li>• To set up, and have signed, the terms of reference with the parties.</li><li>• To set up the meetings and venue.</li><li>• To provide an environment which facilitates the open discussion of the issues at hand.</li><li>• To facilitate the parties agreeing the issues for discussion and exploration of solutions.</li><li>• To mediate with the parties in the finding of a resolution.</li><li>• To maintain confidentiality.</li><li>• The mediator will not hand down a solution and will not make decisions for the participants.</li><li>• The mediator is independent and neutral and will not 'take sides'.</li><li>• The mediator is in charge of the process but not the outcome.</li></ul>
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<b>Role of the parties</b>	<ul style="list-style-type: none"><li>• To volunteer for mediation, and to sign the contract/terms of reference.</li><li>• To fully engage in the process and to genuinely attempt to find an acceptable resolution.</li><li>• To be as open and as honest as possible during the mediation sessions.</li><li>• To provide information where necessary to move the process forward.</li><li>• To work with the mediator.</li><li>• To maintain confidentiality.</li></ul>
<b>How does the process work?</b>	<ul style="list-style-type: none"><li>• Reporting persons/complainants are advised of the informal options, including Mediation.</li><li>• Options for mediation are discussed with both parties.</li><li>• On agreement to participate, a Mediator is appointed.</li><li>• Mediator contacts both parties directly to make the meeting arrangements.</li></ul>
<b>Where?</b>	<ul style="list-style-type: none"><li>• The meetings will be held in a quiet private neutral space.</li></ul>
<b>Time Frame</b>	<ul style="list-style-type: none"><li>• The first meeting should be arranged as quickly as possible.</li><li>• Mediation sessions may last between 1.5 hours to 3 hours,</li><li>• There may be a need for a number of sessions.</li><li>• If required, the Mediator will discuss with HR how attendance may be facilitated without breaking confidentiality.</li></ul>
<b>Confidentiality</b>	<ul style="list-style-type: none"><li>• Matters discussed in mediation sessions are confidential and on a 'without prejudice' basis.</li><li>• The participants agree not to compel the Mediator to divulge any matters discussed at mediation, including at any legal or workplace relations forum.</li></ul>





	<ul style="list-style-type: none"><li>• Participants must maintain strict confidentiality on matters discussed during mediation.</li><li>• Any written outcomes or notes will be agreed by all the parties.</li><li>• No information about a mediation will be held on an Employee or Student record, unless otherwise agreed with the parties involved.</li></ul>
<b>Feedback</b>	<ul style="list-style-type: none"><li>• There is no feedback provided to the University from the mediation, other than reporting that a mediated solution has/has not been found.</li></ul>
<b>What if no resolution?</b>	<ul style="list-style-type: none"><li>• If there is no resolution found, it is up to the parties to decide on the next steps. They may agree to leave the matter aside, or the complainant may wish to progress the matter through the formal procedures.</li></ul>
<b>Costs</b>	<ul style="list-style-type: none"><li>• There is no cost to the participants.</li></ul>



**Trinity College Dublin**

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

## **Appendix 7      Facilitated Conversation**

The University supports the use of facilitated conversation as an alternative method of resolving complaints. A facilitated conversation is an informal process and is assistance from an independent third-party to facilitate dialogue between the parties. It is held in a neutral venue and provides a safe space for each party to talk freely to each other on the impact of the allegations. The process is voluntary and both parties must be willing to take part and agree to the appointment of a Facilitator.

This may be provided by a suitably skilled member of staff, specialist or external support.



## **Appendix 8 Transparency**

An anonymised report including an analysis of data collated in relation to contacts, reports, formal complaints, and anonymous reports via the University's anonymous Speak Out system and, where appropriate, relevant recommendations will be submitted to the EOG on a quarterly basis and annually to the Board.

The Consent Framework Implementation Oversight Group will monitor data arising from concerns and complaints.

Data collection will enable the group to identify areas for assessments under The Safety, Health and Welfare at Work Act 2005. Specifically, the report will include:

- Statistical data relating to contact, reports, anonymous reports and formal complaints made under the Dignity and Respect Policy.
- The number of formal complaints investigations and the number of formal complaints that led to disciplinary action, in a data protection compliant manner.
- An analysis of the data collated and any relevant recommendations.
- Summary of progress against the University's Progress on Implementation of the Framework for Promoting Consent and Preventing Sexual Violence action plan.
- Outline of planned actions and initiatives.

For the purpose of continuous monitoring and to enable local review, bi-annual reports will be produced and disseminated to senior University leaders. Data will also be made available to relevant University stakeholder groups as appropriate.

The University will also report relevant data to the HEA as appropriate.

### **8.1 Confidentiality (see Data Privacy statement)**

Confidentiality will be observed as far as practicable and in accordance with the provisions of the Data Protection Act 2003 – 2018, the Criminal Justice (Withholding of Information on



Offences against Children and Vulnerable Persons) Act 2012 and the Children First Act, 2015 which governs child protection. Confidentiality is a key principle of the Dignity and Respect policy and is essential to the integrity of a formal complaints process. It is important that any party to a complaint, which most commonly includes reporting person/complainant, person being reported/respondent or witness, does not breach confidentiality. This does not preclude parties to the complaint from accessing confidential support services and confiding in them such as the Employee Assistance Programme or Student Counselling, speaking to a designated dignity and respect contact person or a student advisor, trade union representative, accompanying person or human resources or other support. Respect for an individual's request for confidentiality will be maintained (as far as practicable) except in any or all of the following situations:

- In situations where there is a risk that a respondent may repeat their actions and pose a real physical/mental threat to the well-being of others or a risk to their own life. If this situation arises, the HR Director or the Junior Dean, as appropriate, must be contacted and there will be full disclosure to them.
- Where failure to disclose information may be a breach of statute.
- Where an individual is a minor and/or a vulnerable person.
- Where there is a potential risk to the University.

The University will take action that is necessary and proportionate in order to protect the rights of the reporting person/complainant, person being reported/respondent or witness involved in an investigation.



## Appendix 9 Inputs Into Developing This Policy

The national framework, “Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019”, which outlines a framework that promotes a healthy and informed understanding of consent and relationship in higher education systems, has been closely followed in support of this policy. The Irish Universities Association (IUA), How to Respond to Alleged Employees or Student or University Related Sexual Misconduct 2020 has also informed the development of this policy<sup>9</sup>.

The Policy has been developed to set out the University’s approach to ensuring a safe, respectful and supportive campus for students and employees in line with the IUA Framework’s principles of Visibility, Transparency, Consistency, Integrity and Student-centred approach, to inform of the expected standards and behaviours, supports available and consequences of a breach.

<b>Visibility</b>	Creating a campus community in which everybody assumes responsibility for addressing harassment and bullying. It promotes positive behaviours, which necessitates highly visible messaging and regular affirmation from senior University leadership.
<b>Transparency</b>	Transparency is a vital element with regard to policies and procedures surrounding gender-based bullying and harassment. The policy must be transparent and easily assessable to all. Students and employees need to be engaged and contributing to the development and revision of policies in this area.
<b>Consistency</b>	The application of policies must be experienced consistently by all. This is true regardless of whether they are applied towards an employee or a student. When an individual makes a complaint there

<sup>9</sup> [https://research.ie/assets/uploads/2021/06/IRC-Bullying-Harassment-and-Sexual\\_Harassment-Policy\\_June-2021.pdf](https://research.ie/assets/uploads/2021/06/IRC-Bullying-Harassment-and-Sexual_Harassment-Policy_June-2021.pdf)



	<p>is confidence that disclosures will be dealt with in a timely manner and in accordance with institutional procedures.</p>
<b>Integrity</b>	<p>Integrity is at the heart of the processes and procedures held by the University. Students and employees must be assured that policies clearly show a consistent and uncompromising adherence to strong ethical principles and values. This ensures that confidentiality and anonymity are respected while not being used to hinder disclosures.</p>
<b>Person centred approach</b>	<p>Attention to the diversity of employees and the student body is at the centre of policies surrounding bullying and harassment. The University needs to commit to effectively responding to the needs of students and employees by providing care and support, educating and empowering, and supporting those who have experienced bullying and harassment.</p>

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