

IADT Mutual Respect Policy

Information for Staff and Students

HR Office
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1. Introduction

The aim of this Mutual Respect Policy is to indicate what constitutes harassment, sexual harassment and bullying and to clarify what action the Institute will take when responding to breaches of this policy.

This policy defines each of the terms “Harassment”, “Sexual Harassment” and “Bullying.” It provides general information and guidance to members of the Institute (defined as staff and students of IADT) and sets out the procedures for processing of complaints where unacceptable behaviour is alleged to have occurred.

This Mutual Respect Policy has been prepared in consultation with the Institute’s Health and Safety Committee and in partnership with the relevant Trade Unions and the Students Union.

The Institute in framing this Policy and in implementing this Policy has had regard to, and will have regard to, the Codes of Practice on Bullying and Harassment published from time to time by the Labour Relations Commission, the Health and Safety Authority and the Equality Authority.

2. Statement of Policy

Dun Laoghaire Institute of Art Design and Technology (“IADT” or, the “Institute”) is committed to the promotion and management of an environment for work and study which upholds the dignity and respect due to each individual. The Institute supports every individual’s right to work and /or study in a climate which respects their individuality and diversity and in an environment which is free from threat, harassment, intimidation, and victimisation or bullying.

Sexual harassment, harassment or bullying in any form is totally unacceptable. The Institute will not tolerate any member of the Institute, regardless of their position, being treated with anything less than professional courtesy and respect. Neither will the Institute tolerate any member of the Institute, regardless of their position, treating a colleague, student or anyone coming into contact with the Institute, with anything less than professional courtesy and respect.

This policy is guided by the general principle that the intention of the perpetrator of harassment or bullying is irrelevant. It is the effect of the behaviour on the individual that is important. In this regard therefore it is the responsibility of all staff and students to be alert to their obligations under this policy and the possible effect of their behaviour on others and to manage such interactions positively and to the highest professional standards.

A complaint of sexual harassment, harassment or bullying by or against a student or member of staff may, following investigation, lead to disciplinary action. Disciplinary action may include a range of responses, from verbal warnings to dismissal from employment, or being expelled from the Institute. The complaints procedure in relation to actions by or complaints from a Third Party (Service Provider, Contractor and Visitor to the Institute) will be set out in a separate but complementary policy statement.

3. Scope of this policy

This Policy applies to all staff and students of the Institute in all locations (including: the Institute campus; the campus of any other Institute / University; or such other place where staff or students may be representing the Institute or participating in their capacity as Institute members at events such as social functions, conferences, sporting events, field trips, or work assignments which are related to the Institute, to one's work, or study) and in all situations including when one communicates in person, in writing, on the telephone, by e-mail or on the internet in any Institute related activity or situation.

It is the policy of the Institute to protect freedom of expression and intellectual enquiry for all members of the Institute and to ensure, as far as possible, that such freedoms are exercised in such a way as not to interfere with the rights of others, or breach this Policy or the laws of the State.

4. Objectives of this Policy

The objectives of this Policy are to:

1. Promote awareness of the issues arising for staff, students, contractors and clients of the Institute by way of direct communication and workshops, and to provide training, where appropriate;
2. Deter unacceptable behaviour and to help create an environment where staff, students, contractors and clients of the Institute can interact together free from sexual harassment, harassment or bullying in any form;
3. Provide an effective procedure for dealing with allegations of sexual harassment, harassment or bullying.

5. Definitions

The Institute is aware that it is not always easy to clearly define what constitutes harassment or bullying. This section defines the terms Sexual Harassment, Harassment and Bullying. The definitions are drawn from current legislation and codes of practice.

The Employment Equality Acts 1998 and 2004 do not prohibit all relations of a sexual or social nature. It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is welcome and mutual.

Sexual harassment, harassment or bullying is defined by the impact of the behaviour on the recipient and not necessarily by the intention of the perpetrator.

5.1 Sexual Harassment

The Employment Equality Acts 1998 and 2004 define sexual harassment as:

“Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, 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”

The Acts provide a non-exhaustive list of unwanted conduct that may constitute sexual harassment, namely, “acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material”

Sexual harassment can undermine the dignity of the recipient – male or female, and may adversely affect work or study performance.

A single incident may constitute sexual harassment.

Many forms of behaviour can constitute sexual harassment. The term includes examples like those contained in the following list, although it must be emphasised that the list is illustrative rather than exhaustive.

- Physical conduct of a sexual nature
This may include unwanted physical contact, ranging from unnecessary touching, patting or pinching or brushing against another employee’s body, to assault/coercive sexual intercourse.
- Verbal conduct of a sexual nature
This includes unwelcome sexual advances, propositions or pressure for sexual activity outside the work place after it has been made clear that suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendo or lewd comments, suggestions that sexual favours may further someone’s career / examination results, or that a refusal may damage same.
- Nonverbal conduct of a sexual nature
This may include the display of pornographic or sexually suggestive pictures, calendars, objects, written materials, emails, text messages or faxes. It may also include leering, whistling, or making sexually suggestive gestures.
- Sex-based conduct
This would include conduct that denigrates or ridicules, or is intimidatory or physically abusive of an employee because of his or her gender, such as derogatory or degrading abuse or insults which are gender related.

5.2 Harassment

Harassment is defined in the Employment Equality Acts 1998 and 2004 as:

“any form of unwanted conduct related to any of the discriminatory grounds” namely:

- Gender
- Marital status
- Family status
- Sexual orientation
- Race/colour/nationality/ethnic or national origin
- Traveller community membership
- Religion
- Age
- Disability

The Acts provide a non-exhaustive list of unwanted conduct that may constitute harassment, namely “acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material”

A single incident may constitute harassment. Many forms of behaviour can constitute harassment. The term includes examples like those below, although it must be emphasised that the list is illustrative rather than exhaustive.

- Verbal harassment – spoken words, jokes, comments, ridicule or songs, or jokes about a person’s membership of a protected category, demeaning and derogatory remarks, name calling, unwelcome comments, unwarranted criticism of work/study performance etc. that is related to one or more of the discriminatory grounds;
- Written harassment – including faxes, notices, electronic text messages, emails, internet chat rooms etc. that is related to one or more of the discriminatory grounds;
- Physical harassment – jostling, shoving or any form of assault that is related to one or more of the discriminatory grounds;
- Intimidatory harassment – postures, posturing or threatening poses that is related to one or more of the discriminatory grounds;
- Visual display such as posters, emblems or badges that is related to one or more of the discriminatory grounds;
- Isolation or exclusion from social activities, or in workplace activities or course of study that is related to one or more of the discriminatory grounds;
- Pressure to behave in a manner that the employee thinks is inappropriate, for example, being required to dress in a manner unsuited to a person’s ethnic or religious background, or otherwise that is related to one or more of the discriminatory grounds;
- Undermining the authority of a colleague in the workplace that is related to one or more of the discriminatory grounds.

5.3 Bullying

Bullying is defined as:

Repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against others, at the place of work and/or in the course of employment and/or in the course of their study, which could reasonably be regarded as undermining the individual’s right to dignity at work or study.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work or study, but as a once-off incident is not considered to be bullying.

Bullying can include verbal, gesture or physical bullying, exclusion or extortion.

Many forms of behaviour can constitute bullying.

The term includes:

- **Verbal Abuse** – shouting, spoken words, making jokes, undermining a person’s authority through misplaced and unwarranted criticism of an individual and their professional performance, ridiculing the employee or student in front of other employees and/or individuals, setting unrealistic and unattainable targets, spreading malicious rumours about an individual around the organisation, humiliation, sneering or ridicule and falling within the definition above.
- **Nonverbal Abuse** – Looks, gestures, displaying emblems on clothing, exclusion, whistling, isolation at lunch breaks or social events, etc. and falling within the definition above.
- **Written Abuse** – including faxes, notices, electronic text messages, emails, internet chat rooms etc. and falling within the definition above.
- **Physical Abuse** – Hitting, bodily contact that is abusive in nature, shaking fists in a threatening manner, sabotaging a colleagues personal belongings etc. and falling within the definition above.

Individuals or groups of people can be responsible for, or be the victims of bullying. It can occur between a manager/supervisor and subordinate, between subordinate and a supervisor/manager, between staff and students, between students and staff, and within peer groups.

Legitimate and reasonable management and supervision of staff and/or students does not constitute bullying. It is important however that those responsible for managing poor performance and conduct do so through the operation of fair procedures, and not through an aggressive management /supervisory or lecturing style.

6. Statutory Rights

The key aim of this Policy is to ensure that any problems of sexual harassment, harassment or bullying, where they occur, can be resolved within the Institute. Nothing however in the informal or formal procedure set out in this Policy can overrule an individual’s statutory rights.

Staff members who wish to seek legal redress should contact Irish Human Rights and Equality Commission or the Workplace Relations Commission or the Health and Safety Authority (bullying cases) for advice. A complaint of harassment or sexual harassment for example, being processed externally in accordance with the Employment Equality Acts 1998 and 2004, must normally be lodged within six months of the alleged incident.

Where an individual decides to seek legal redress in advance of the output from the internal investigation, the internal process may be suspended.

7. Policy Promotion, Information, Training and Support

An integrated strategy will be developed to underpin the effective roll out and operation of the above Policy. Key action points include:

- An awareness campaign including the publication of relevant support material/ information leaflets/pamphlets/frequently asked questions etc.;
- The organisation of information/briefing sessions/workshops for staff and students;
- Tailored training for nominated Designated Contact People (Appendix A);
- Training for management, supervisors and staff and student representatives;
- Training for those who may be appointed to investigate complaints;

In addition, where a complaint has been made the Institute may at any stage make available reasonable counselling services to both a complainant and a respondent, should they request it.

8. Responsibilities, Monitoring and Review

8.1 Responsibilities

All staff and students have responsibility for building and maintaining a work and study environment that is free of sexual harassment, harassment or bullying by committing themselves to:

- Consciously, through their own behaviour, attitude and example, creating a climate which is respectful, friendly and supportive of those seeking to discharge their duties and obligations in an environment which respects the unique contribution that each individual can make to the Institute and the wider community;
- Discharging a leadership role within the Institute in support of this policy statement by taking immediate and positive action, and not accepting any aggressive or unacceptable behaviour, either directed to themselves or others within the Institute;
- Cooperating as necessary and in full with an investigation whether as a complainant, an accused person, or as a witness.

8.2 Monitoring

Specific responsibility attaches to the Executive, Heads of Academic Departments, Central Service Managers, Senior Academic Staff, Supervisory Staff and Staff and Student Representatives to set and maintain standards of behaviour and implement the provisions of this Policy, so as to underpin a positive work and study environment in the Institute.

The Human Resource Manager and Academic Administration and Student Affairs Manager will have particular responsibility for monitoring the implementation of this Policy and ensuring that it is effective.

8.3 Review

The Institute is committed to reviewing this Policy and procedure on a regular basis in line with changes in the law, best practice, relevant case law and other developments. It is the policy of the Institute to observe the above provisions; however it reserves the right to depart from same where appropriate.

Appendix A : List and Role of IADT Designated Contact Persons

Name	Area	Email	Ext. No.
Cliona Flood	FACT	Cliona.Flood@iadt.ie	4962
David Doyle	Academic Affairs	David.Doyle@iadt.ie	4737
Fionnuala Richardson	Library	Fionnuala.Richardson@iadt.ie	4638
Helen Doherty	FACT	Helen.Doherty@iadt.ie	4696
Joan Broderick	College Nurse	Joan.Broderick@iadt.ie	4760
Mary Anne O'Carroll	HR	MaryAnne.OCarroll@iadt.ie	4617
Paul Murphy	Careers Counsellor	Paul.Murphy@iadt.ie	4670
Robert Griffin	FACT	Robert.Griffin@iadt.ie	4956
Sharon Mc Greevy	FEH	Sharon.McGreevy@iadt.ie	4735

Role of IADT Designated Contact Person

The Designated Contact Person may offer support to an employee who feels that s/he is being subjected to bullying/harassment or to an employee against whom a complaint of bullying/harassment has been made but not to both in the same situation.

If a Designated Contact Person is contacted by both parties, s/he should support the first person who requests support and refer the second person to another Designated Contact Person.

The role of a DCP is:

- To provide support to employees who are concerned at the behaviour of colleagues, managers, work associates, suppliers or students towards them
- To act as support to colleagues
- To help their colleague talk through the situation and identify behaviours which are creating difficulties for them
- To assist the person to gain clarity around the changes in behaviour they are seeking
- To outline the options available to them in handling this situation under the Mutual Respect Policy
- To help the person to think through the options by examining the benefits and consequences of specific action or inaction
- Empower the employee to decide for themselves the next step they wish to take.

NB: The role of the Contact Person does not extend to intervening or approaching any individual on behalf of a staff member they are supporting.

The Designated Contact person will be to:

- Listen in a non-judgmental, impartial and empathetic way to the employee's situation as the employee sees it.
- Explain and clarify issues in relation to bullying and harassment.
- Treat all discussions as completely confidential and will not be requested to disclose information to a third party. However, in a crisis situation of potential danger (i.e. risk of assault or suicide) the Designated Contact Person should seek support from IADT's Employee Assistance Programme (EAP) with regard to the need to break confidentiality and then if necessary, contact the HR Department so that appropriate professional assistance should be sought.
- The DCP will not retain any notes or records of these discussions
- Meetings between the Designated Contact Person and the employee/student seeking support should normally take place during normal working hours. No home or personal mobile telephone numbers should be exchanged.
- Meetings should take place in suitable locations where privacy can be assured. The Staff Training and Resource (STAR) Room may be available. Where it is not practicable to meet on the work premises an alternative suitable venue may be used.
- Meetings should last no longer than an hour and no more than 3-4 meetings with any one individual should ever be needed. More than this could mean the Designated Contact person is being drawn into a counselling relationship.

The Designated Contact will ensure that they are attentive to their own level of competence in performing the role and will actively develop their competencies, including attending Designated Contact meetings and any relevant training courses as required.

Appendix B: Steps to follow if you feel you are sexually harassed, harassed or bullied?

Sexual harassment, harassment or bullying in any form may make recipient(s) feel upset, threatened, humiliated or vulnerable; undermine their self-confidence or cause them to suffer stress or illness; or undermine their ability to function. If a student or staff member feels that they are being harassed or bullied in the Institute they should read this policy and:

1. Consult on a strictly confidential basis and as quickly as possible, with one of the designated contacted people listed in Appendix A to this Policy;
2. Consult if required, on a strictly confidential basis, with your Tutor, Supervisor or Line Manager, or any other Manager in the Institute, or Human Resource Manager, or his/her nominee or Employee/Trade Union/Student Representative
3. Log all incidents of harassment or bullying.
4. Record dates, times and full details of the incident(s);
5. Write down what the harasser or bully said or did, your feelings at the time and record what your own response was;
6. Ascertain if there were witnesses to the harassment or bullying;
7. Avoid being alone with the alleged harasser or bully, if possible;
8. Challenge the unacceptable behaviour by following the procedures set out in Appendix D.

Appendix C: Steps to follow if a complaint of sexual harassment, harassment or bullying is made against you

1. If approached informally, either by an individual, tutor, student representative or supervisor/ manager on behalf of a colleague/student, you should listen to what the person has to say. You should actively seek to keep an open mind on the issues being raised and try not to react in a negative way. You should remember that interpersonal difficulties and conflicts will arise in the Institute from time to time for a variety of reasons, including the exercise of legitimate rights and responsibilities;
2. An informal approach is an opportunity to clarify and resolve a situation informally before a complaint/concern is formalised. You should therefore take this opportunity to read this policy and reflect upon the alleged behaviour in question and remember that differences in attitude or culture, or misinterpretation of social signals can mean that what is perceived as sexual harassment, harassment or bullying by one person may not be seen as such by another. If there is an acceptance on your part that your conduct could have caused offence, you should consider how you can modify it, and you should apologise where this is appropriate in all of the circumstances;
3. If confused as to the appropriate response to the complaint or believe that the complaint is unfounded, consult on a strictly confidential basis, and as quickly as possible, with one of the designated contact people listed in Appendix A to this Policy;
4. Consult if required, on a strictly confidential basis, with one of the Institute's Designated Contact People, your Tutor, Supervisor or Line Manager, or any other Manager in the Institute, or Human Resource Manager or his or her nominee, or Employee/Trade Union/Student Representative;
5. In the event of a formal complaint of sexual harassment, harassment or bullying being made against a staff member or a student, it is advised that both the individual making the complaint and the subject of the complaint seek the support of a recognised Union representative, or a designated contact person, or a trusted colleague, as a formal investigation may follow.

Appendix D: Complaints Procedures

The following internal procedures have been put in place to deal with complaints of alleged sexual harassment, harassment or bullying in the Institute. Individuals should familiarise themselves with both the informal and formal procedures and, if required, consult with any of the people who are listed as designated contact people, employee/trade union or student representatives, or managers who can advise on both procedures.

If an individual decides to follow the Informal Procedure but the problem persists, the complaint can then be dealt with under the Formal Procedure.

The Institute also understands that cases which involve more serious sexual harassment, harassment or bullying, or where the subject of the complaint is employed or functions at a higher level within the Institute, the complainant may elect to initiate the formal procedure at the outset.

1. Informal Procedure

1. Many incidents of alleged sexual harassment, harassment or bullying can be dealt with efficiently and effectively in an informal way, as often the person against whom a complaint is made is unaware of the affect their behaviour is having on others. The objective of an informal approach is to speedily resolve the complaint with the minimum of embarrassment, conflict or stress, while also reducing the risk of any breaches in confidentiality.
2. If an individual feels confident enough, speak to the alleged perpetrator(s). This discussion should be confidential and they should try and adopt a non- confrontational approach to what they hope will be an opportunity to resolve their complaint informally and speedily.
3. They should be specific as to the behaviour causing offence and alert the alleged perpetrator(s) as to the effect their behaviour is having on them, on their work, or study. Make it clear that their behaviour is unacceptable and tell them to stop.
4. If they cannot do this verbally or through a colleague, then do so in writing. Again be specific as to the behaviour causing offence and alert the alleged perpetrator(s) as to the effect their behaviour is having on them. Make it clear that the behaviour is unacceptable and tell them to stop.
5. Keep copies of any correspondence.

A complainant may decide, for whatever reasons, to bypass the Informal Procedure. Choosing not to use the Informal Procedure should not reflect negatively on the complainant in the formal procedure.

2. Formal Procedure

If an informal approach is inappropriate or, if after the informal process, the behaviour complained of continues, then the following Formal Procedure should be invoked. There are several stages involved in this process.

Formal Procedure - Stage One

- You should submit a formal written statement as to the nature of the sexual harassment, harassment or bullying complaint, the names of witnesses (if any) and the redress sought, as close to the events complained of as possible and preferably within three weeks and normally not later than six weeks of the occurrence of events, or most recent occurrence to the following:
 - If a member of staff, to your Head of Academic Department or Central Service Manager or, if preferred, to any other member of the Management Team;
 - If a student, to your Tutor or, if preferred, to your Head of Academic Department or to any other Head of Academic Department;
- Your chosen contact person can help you to clarify and submit your complaint, however you have the right to initiate a formal complaint without reference to a contact person;
- If your Head of Academic Department or Central Service Manager or Tutor is the person complained of, you should lodge the written complaint with the member of the Executive to whom the Head of Academic Department/Central Service Manager/Tutor reports;
- All complaints received will be treated seriously and sensitively with fairness by the Institute and in as confidential a manner as possible;
- A formal written complaint in relation to the Director should be addressed to the Chairperson of the Governing Body.

Formal Procedure - Stage Two

- All written complaints received in relation to staff will be immediately passed on to the Human Resource Manager, and complaints in relation to students will be immediately passed on to the Academic Administration and Student Affairs Manager who will:
 - Acknowledge receipt of the complaint in writing within three working days of the receipt of the complaint;
 - Ensure that the respondent is given details of the complaint within three working days of receipt, given reasonable time to reflect on the details of the complaint, and invited to provide a written response within four working days of his/her receipt of the copy of the complaint;
 - Advise the complainant and the respondent that they should not communicate with each other regarding the complaint pending the outcome of this stage of the process.

Formal Procedure - Stage three

On receipt of the response from the respondent(s), the Human Resource Manager or Academic Administration and Student Affairs Manager, as appropriate, or other appropriate officer of the Institute, will carry out an initial examination of the matters arising with a view to determining an appropriate course of action. This could include both parties being written to within ten working days of the receipt of the complaint and:

- Offered an opportunity to explore a mediated solution and/or
- Expressing a view that the issue may be resolved informally or
- Advised that the matter is being referred for formal investigation. In very serious cases a complaint may also be referred to the Gardaí for investigation;
- Consideration will also be given as to whether member(s) of staff and/or student(s) as appropriate should be suspended from all or part of their duties/programme pending the completion of the investigation.

Formal Procedure - Stage Four

If mediation is decided upon, the Institute will appoint an appropriate external mediator. Otherwise the Institute will appoint a team of Investigators to conduct the formal investigation of the complaint. The investigation will seek to determine the facts and the credibility, or otherwise of the complaint(s).

Appendix E - The Investigation

1. The investigation will normally be carried out by two senior members of staff (one male and one female) appointed by the Institute and will be conducted thoroughly, objectively and with due respect for the rights of the parties involved. The Institute may invite appropriate external persons to constitute or join the investigating team.
2. Where an investigation is to take place into a complaint against a member of the Executive, the Institute will appoint a suitable external person or persons to investigate the complaint.
3. Where an investigation is to take place into a complaint against the Director, the Chairperson of the Governing Body, while respecting the rights of both parties, will make the necessary arrangements for the investigation of such a complaint by either a Sub-Committee of the Governing Body, or an outside person or persons nominated by the Governing Body.
4. Every effort will be made to maintain strict confidentiality and proper discretion in the processing and investigation of the allegation. Where it is necessary to interview third parties, the importance of confidentiality will be emphasised.
5. Both the complainant and the respondent will be advised that there should be no communication between them in relation to the complaint, or with any witnesses nominated by the other party.
6. Following discussions with the parties, arrangements may be put in place which may, where possible, minimise or avoid contact between the complainant and the respondent.
7. The complainant and the respondent will be advised of their right to be accompanied at all interviews (if they so desire) by a person who will normally be internal to the Institute, to include a recognised Trade Union or Students Union Representative, or trusted work colleague.
8. All reasonable steps will be taken to protect individuals who make a complaint or act as a witness, from intimidation, victimisation or discrimination resulting from their complaint or witness statement, or as a result of their assisting with an investigation.
9. Any intimidation, victimisation or discrimination of an individual for making a complaint, or assisting an investigation is itself a breach of the Institute's Mutual Respect Policy and is a serious disciplinary offence.
10. The investigation will be thorough, impartial and objective.
11. The complainant will be interviewed, as will the respondent(s). Separate interviews will be conducted by the Investigating Team.
12. Where specific individuals, including witnesses to particular events, are named in the original written complaint or the respondent's written response, they will also be interviewed. Other relevant persons identified during the course of the investigation who the Investigator(s) believe may be able to assist the investigation, particularly when there is a conflict of evidence, will also be interviewed.

13. Any statements taken from individuals will be circulated to the person making the complaint and the respondent(s) for comment and feedback to the Investigators within five working days of the receipt of the copy statement, and before any conclusion is reached by the investigators.

14. The investigation will be completed as soon as possible, but not later than 30 working days after the receipt of the written complaint from the complainant, unless there are exceptional circumstances, (e.g. absence of a key witness on leave) which prevent the Investigator(s) from concluding the matter.

15. At all stages of the investigation a clear record of the process will be maintained. At the completion of the investigation a report will be prepared, which will include the terms of reference, the specific nature and details of the complaint, the response of the respondent, the results of the investigation and the conclusion.

16. The complainant and the respondent will be informed in writing of the outcome of the investigation.

17. Should it be decided that the complaint is well-founded the respondent(s) will be given a formal interview in accordance with the arrangements in place for dealing with breaches of discipline. (See Appendix F)

18. Where a complaint is not upheld, no action will be taken against the complainant provided the complaint was made in good faith.

19. If the investigation shows that a false complaint has been made which is vexatious or malicious, or otherwise not made in good faith then such action will be treated as serious misconduct and the Institute reserves the right to take appropriate disciplinary action against the complainant(s) in such circumstances.

20. No employee/student with a genuine complaint needs fear that his/her complaint will prejudice his/her future prospects, or ongoing studies with the Institute.

21. After the investigation is complete and the outcome has been considered by both parties, either staff member will have the right to appeal to the Director, or other person nominated by the Institute if appropriate, within five working days of the outcome of the investigation having been notified to them.

22. Where a member of the Executive or the Director is appealing a decision following a disciplinary hearing, then such an appeal should be lodged with the Chairperson of the Governing Body. The Chairperson of the Governing Body, whilst respecting the rights of both parties, will make the necessary arrangements for the processing of such an appeal by either a Sub-Committee of the Governing Body, or a nominee of the Governing Body.

23. Students may, should they wish to do so, lodge an appeal to the Registrar, or the Director as appropriate, in accordance with the Student Disciplinary Procedures as published in the Student Handbook.

Appendix F Disciplinary Action

If after investigation the complaint is upheld, a formal disciplinary hearing will take place and will take due account of the Disciplinary and Appeal Procedures set out in the Labour Relations Code of Practice on Grievance and Disciplinary Procedures, or such other nationally agreed Disciplinary Procedures for the staff member in the sector, or the Disciplinary Procedures for students set out in the Student Handbook.

The following disciplinary action may be taken. Any penalty to be imposed will mirror the offence. Sanctions may range from:

For Staff:

Verbal warning, training, a period of monitoring and appraisal, transfer, fine, withholding/refusal of increment, demotion, suspension (with or without pay), or dismissal.

For Students:

Verbal warning, training, a period of monitoring and appraisal, transfer, fine, suspension or expulsion;

Furthermore

- The Institute may also request the wrongdoer to attend a period of counselling so as address the issues that have arisen and minimise the risk of a reoccurrence of the unacceptable behaviour. The Institute may fund the initial stages (up to four sessions) of such an intervention;
- Where the ultimate sanction of dismissal is considered the appropriate course of action, the Regional Technical Colleges Acts will be applied where appropriate;
- No record of a complaint will be entered onto the employees/students personal file unless the matter has been dealt with as a disciplinary issue;
- Where a complaint is upheld and disciplinary action is taken against the wrongdoer, records of any sanctions will remain on the wrongdoer's personal file in accordance with the arrangements set out in the relevant Disciplinary Procedure.

Dun Laoghaire Institute of Art, Design and Technology

Kill Avenue, Dun Laoghaire, Co. Dublin, Ireland Issued Oct 2015