

7.5 Learner Dignity and Respect Policy

7.5.1 Introduction

The college is committed to providing a welcoming and nurturing environment, which is free from all forms of bullying or harassment and where all members of its community treat one another with respect and dignity. The Learner Dignity and Respect Policy aligns with the [Learner Charter](#) (Document 7.3) values.

This policy is informed by, and should be read in conjunction with, the following documents:

- [Equality Act, 2004](#)
- [Employment Equality Act, 1998 \(revised 2021\)](#)
- [Equal Status Acts 2000 \(revised 2021\)](#)
- [Disability Act, 2005 \(revised 2022\)](#)
- [Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions \(Department of Education and Skills, 2019\)](#)

This policy is also included in the Student Handbook.

7.5.2 Definitions

7.5.2.1 **Bullying** can be defined as repeated inappropriate and intentional behaviour conducted by one or more persons against another or others which could be regarded as undermining the individual's right to respect and dignity. Bullying can take many forms; it can be verbal, non-verbal, physical, emotional, sexual, cyber, direct, or indirect. Bullying can have immediate, medium, and long-term effects on an individual's wellbeing.

A non-exhaustive list of bullying behaviour may include repeated verbal abuse, repeated use of offensive language or jokes directed at an individual or individuals, aggressive behaviour, shoving or jostling, written insults (including electronic communication), spreading malicious rumours.

7.5.2.2 **Harassment** can be defined as any form of unwanted behaviour connected to any of the discriminatory grounds under the Employment Equality Act 1998 (as amended) and Equal Status Act 2000 (as amended), which has the intention of violating an individual's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Discriminatory grounds include gender, age, disability, civil status, family status, religion, sexual orientation, race, membership of the Traveller community. Harassment may be a one-off incident or repeated inappropriate behaviour. Any unwelcome

and/or negative behaviour based on these discriminatory grounds will be treated as harassment.

7.5.2.3 **Sexual harassment** as defined by the *Employment Equality Act 1998 (as amended)* and *Equal Status Act 2000 (as amended)* is 'any form of unwanted verbal, non-verbal, or physical conduct of sexual nature, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or material.' Sexual harassment may be a one-off incident or repeated inappropriate behaviour.

7.5.2.4 A **complainant** is a person who makes a complaint of bullying or harassment against another person.

7.5.2.5 A **respondent** is a person who is alleged to have bullied and/or harassed the complainant.

7.5.3 Responsibilities of Learners

- All learners share a responsibility for ensuring an environment that protects the dignity and respect of the college members, which is free from any form of bullying and harassment, including sexual harassment.
- All learners should treat their fellow learners, staff, and members of the college community with dignity and respect.
- All learners must comply with this policy and consider how others might be affected by words and actions.
- Learners should discourage bullying and harassment by being an active bystander and objecting to inappropriate behaviour.
- Learners should be prepared to co-operate fully when an allegation of bullying or harassment is being investigated whether in an informal or formal way.

7.5.4 Responsibilities of Staff and College Community

- All staff and members of the college community share a responsibility for ensuring an environment that protects the dignity and respect of the college members, which is free from any form of bullying, harassment and sexual harassment.
- All members of the college community should treat colleagues, staff, learners or any person with whom they come into contact during their work with dignity and respect.

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- Staff should discourage bullying and harassment by objecting to inappropriate behaviour.
- Staff should be familiar with this policy and promote ongoing awareness of the policy.
- Staff should respond sensitively and promptly to a learner who makes a complaint of bullying or harassment and refer them to the appropriate contact person ([see Appendix 53](#)).

7.5.5 Communication of the Policy

The college is committed to taking active and positive measures to educate all learners and staff in awareness and prevention of bullying and harassment and the effects of this type of behaviour.

This education in awareness and prevention of bullying and harassment and the effects of this type of behaviour will be achieved in respect of learners through the following:

- reference to the policy in the Student Handbook, and other materials which are presented at Induction
- raising bullying and harassment awareness and provision of consent initiatives including, for example, Students' Union events, posters in areas that learners gather.

This education in awareness and prevention of bullying and harassment and the effects of this type of behaviour will be achieved in respect of staff through the following:

- Reference to the policy during induction training for staff.
- A copy of the policy which is included in induction information provided to new staff.
- Providing training for managers and supervisors in how to deal with dignity and respect matters (including complaints made under this policy).
- Providing Continuous Professional Development (CPD) sessions promoting dignity and respect in Griffith College, as well as engaging in conversations about prevention, and the implementation of the complaint procedure.
- Individuals will be trained in the investigative process.

7.5.6 Dignity and Respect Support Pathways

Support around dignity and respect includes being a source of information or first contact if someone has any concerns. Possible outcomes of this support pathway may include clarifying which policy is relevant if the complainant wants to initiate a process (the *Dignity at Work Policy* (Policy 10, HR Policies and Procedures) or the [Learner Dignity and Respect Policy](#) (Document 7.5 Quality Assurance and Enhancement

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Manual), as well as offering emotional support and providing information to support services.

If a learner feels that they are being bullied, harassed and/or sexually harassed, they should bring their concerns to the immediate attention of a senior member of their faculty, their Programme Director or Head of Faculty, and/or representatives from the college's Students' Union and/or learner support services, e.g., learner engagement officer, learner counselling.

If a staff member feels that they are being bullied, harassed and/or sexually harassed, they should bring their concerns to the immediate attention of their own Line Manager, the HR Manager, or a member of the College's Management Board.

If anyone witnesses or becomes aware of someone in the Griffith College community being bullied, harassed and/or sexually harassed, they should bring their concerns to the immediate attention of the relevant Faculty, the Students' Union, their Line Manager, the HR Manager, or a member of the College's Management Board.

7.5.7 Dignity and Respect Complaint Investigation and Reporting Process

- This policy has been specifically developed to deal with the issue of a learner or staff member being bullied, harassed and/or sexually harassed by another learner or learners (see [Appendix 50](#) for further guidance).
- In circumstances where a learner believes they have been subjected to treatment by a staff member which is in breach of this policy, the issue will be dealt under the procedures of the *Dignity at Work Policy* (Policy 10, HR Policies and Procedures) as outlined in [Appendix 50](#).
- In cases involving staff members as complainants and respondents, the matter will be dealt under the *Dignity at Work Policy* (Policy 10, HR Policies and Procedures) as outlined in [Appendix 50](#).

7.5.7.1 Where a learner or staff member feels subjected to bullying, harassment and/or sexual harassment, they should bring their concerns to the nominated point of contact indicated in [Appendix 50](#) below.

7.5.7.2 There are three approaches to deal with dignity and respect matters:

i. The **informal** approach

- An informal approach can often resolve difficult situations with the minimum of conflict and stress for the individuals involved.
- Complainants who believe they are being bullied and wish to attempt to resolve the issue informally should explain to the respondent(s) that their behaviour is unacceptable and identify the harmful effects it is having on them.
- If the complainant finds it difficult to communicate directly with the respondent(s), they should seek advice and assistance from the

persons listed in section 7.5.7.3 of this policy. They may ask the Contact Person to assist them with raising the issue with the respondent.

- The Contact Person will approach the respondent in a confidential and non-confrontational manner to try to resolve the matter.
- Any reporting for monitoring purposes will not record names but will record the type of incident, the conclusion of the process and any recommendations for training or awareness raising at faculty level, at departmental level, within the Students' Union, on individual campuses, or at college level.
- Where the matter remains unresolved, mediation may be considered.

ii. Engaging in **Mediation**

- The college 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 objective of mediation is to resolve matters speedily and confidentially without recourse to a formal investigation and with a minimum of conflict and stress for the individuals involved.
- 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 persons listed in section 7.5.10 of this policy will appoint a neutral and impartial mediator, agreeable to both parties, to facilitate the process.
- Any information exchanged during the mediation process remains strictly confidential and cannot be disclosed as part of a formal investigation.
- Any reporting for monitoring purposes will not record names but will record that a mediation took place, the type of incident, the conclusion/outcome of the process, and any recommendations for training or awareness raising at faculty level, at departmental level, within the Students' Union, on individual campuses, or at college level.
- Mediation will not result in the issues being dealt under the disciplinary procedure.

iii. The **formal** approach

- Where the problem is not resolved through any of the informal methods, or the complainant chooses not to use the informal channels, the formal complaints process may be used.

- Where a learner wishes to begin the formal procedure, the [Learner Complaints Procedure \(QAE Document 7.6\)](#) must be followed.
- In the instance where a staff member wishes to lodge a formal complaint against a learner, the Grievance Procedure (Policy 24, HR Policies and Procedures) must be followed to begin the formal procedure.
- In activating these formal procedures, the complaint should be clearly formulated in writing, setting out details of the offending behaviour (including dates and witnesses, if any) and the context in which it occurred.
- Any form of bullying and harassment is unacceptable, and breaches of this policy may constitute grounds for disciplinary action and, in cases of serious offences, may result in suspension or dismissal (see the [Disciplinary Procedure QAE Document 7.8](#) for learners and the Disciplinary Procedure, Policy 25, HR Policies and Procedures for staff).
- Any reporting for monitoring purposes will not record names but will record that a formal investigation took place, the type of incident, the conclusion/outcome of the process, and any recommendations for training or awareness raising at faculty level, at departmental level, within the Students' Union, on individual campuses, or at college level.

7.5.7.3 The **Formal** Investigation Process

- i. The investigation process will be conducted thoroughly and objectively and with due respect for the rights of both parties.
- ii. Every effort will be made to maintain strict confidentiality and discretion in the process of investigation. Where third party interviews are conducted, the importance of confidentiality will be emphasised to all parties in the process.
- iii. All parties involved will be required to co-operate fully with the investigation.
- iv. A formal procedure commences when a written and signed complaint is presented by the complainant(s) to their Head of Faculty if they are a learner, or Line Manager if they are a staff member.
- v. In the event that the Head of Faculty is the respondent, the written and signed complaint should be presented to one of the Directors of the College or the Student's Union representatives.

Should the complaint fall under the remit of this policy; the Head of Faculty or Line Manager will explore if there is scope for resolving the matter informally or through mediation.

- vi. If it is deemed that informal resolution or mediation is appropriate or possible, the Head of Faculty or the Line Manager will meet with the complainant to see if they wish to consider the relevant process (as outlined in sections 7.5.6 above).

If it is deemed that informal resolution or mediation is inappropriate or inconclusive, the Head of Faculty or the Line Manager will refer the process to the Director of Academic Programmes or their nominee.

Should the complaint not fall under the scope of this policy, the Head of Faculty, or Line Manager will meet with the complainant (learner or staff member respectively) to offer advice on alternative steps and policies which can be applied.

- vii. The Director of Academic Programmes or their nominee will appoint an Investigation Panel, consisting of at least two members of staff, trained in investigation process, to investigate the complaint. In appointing the investigation panel, a gender representative team, who have no contact with either the complainant(s) or the respondent (s), must be ensured.
- viii. In the case of a staff member making a complaint against a learner, the Director of Academic Programmes or their nominee must consult with the HR Manager when appointing the Investigation Panel.
- ix. The Chair of the Investigation Panel must acknowledge the receipt of the complaint letter, to the complainant(s), within 5 working days.

The Chair of the Investigation Panel will send a letter to the respondent(s) informing them that a formal complaint has been made against them, outlining:

- The details of the complaint.
- Their rights in the process, including
 - their right to representation,
 - the availability of support services – e.g., counselling service, Student's Union and other learner support structures, including translator services – during the investigation).
- Their obligations, i.e.
 - not to make any contact with the complainant and potential witnesses – any breach may result in disciplinary action,
 - their need to attend for an interview with the panel to discuss the complaint, and that they will be required to participate fully in that process,

- the requirement that confidentiality must be observed in all matters connected to the investigation.
- Their opportunity to write to the Investigation Panel as a response to the allegation within 7 working days or receipt of the letter containing notification of the complaint.

The Investigation Panel will meet with the complainant, the alleged respondent(s), and relevant witnesses individually in order to establish the facts about the allegations and set a timeframe. All meetings held will be strictly confidential.

The complainant(s) and the respondent(s) have the right to be accompanied by a fellow learner, a support person, or a Student's Union representative provided this person is not directly involved in the case. The role of the person accompanying is to offer emotional support, and they should not answer questions for the person being interviewed.

There is full transparency of documentation during the investigation process. All statements, including witness statements, will be shared with the complainant and respondent in advance of any meetings to allow each individual the opportunity to fully respond.

The investigation must be completed as soon as possible, but not later than 30 working days after the receipt of the written complaint, unless there are exceptional circumstances that prevent the investigation from reaching a result.

When the investigation is complete, a written report which contains the findings of the investigation will be sent to the Director of Academic Programmes or their nominee. The Director of Academic Programmes or their nominee will communicate the findings to the Head of Faculty or the Line Manager of the respondent, the complainant(s) and the respondent(s).

7.5.8 Possible outcomes of an investigation

The outcome of the investigation should include one of the following:

- i. That, on the balance of probability, the complaint is upheld for reasons which are stated.
- ii. That, on the balance of probability, the complaint is not upheld (e.g. insufficient evidence).
- iii. The Investigation Panel may make a finding of 'no case to answer' in circumstances where the complainant withdraws the complaint or refuses to engage with the investigation.

7.5.8.1 Where the investigators do not uphold the complaint, the Panel must set out the reasons for such an outcome. The Chair of the Investigation Panel must inform the Director of Academic Programmes or their nominee of the outcome reached by the Panel and the reasons for such a decision in a written report.

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- 7.5.8.2 Where the complaint is not upheld, the complainant(s) can be assured that genuine complaints will not be viewed as malicious. However, complaints that are found malicious or disingenuous will be treated very seriously and the college reserves the right to take appropriate disciplinary action against the complainant(s) in such circumstances.
- 7.5.8.3 Where the investigators uphold the complaint (in whole or in part), the Investigation Panel's report to the Director of Academic Programmes or their nominee must outline the details of the complaint, the reasons for upholding the complaint, the findings, and their recommendations.
- 7.5.8.4 The Investigation Panel may recommend counselling, monitoring, or the convening of a disciplinary hearing. If a disciplinary hearing is recommended, this will be conducted in line with the [Learner Disciplinary Procedure](#).
- 7.5.8.5 The Director of Academic Programmes or their nominee must inform the complainant and respondent of the outcome within 5 working days from the receipt of the report from the Investigation Panel. Both parties are given the opportunity to comment on the findings and recommendations.
- 7.5.8.6 If the complainant or the respondent is dissatisfied with the outcome of the investigation, they can appeal it (see [Appeals Procedure](#)) within 10 working days of receipt of the decision, clearly indicating the specific grounds for their seeking a review of the outcome.
- 7.5.8.7 Counselling and other pastoral supports continue to be made available to the complainant and the respondent throughout the investigation and resulting processes.
- 7.5.8.8 Mediation support will also be provided by the college where it is considered necessary to support an ongoing positive relationship between the complainant and the respondent, following the conclusion of this process.
- 7.5.8.9 In the event that the Director of Academic Programmes or their nominee is either the complainant or the respondent, the responsibility will rest with one of the College's Directors to appoint a suitable representative to manage the full investigation process in their place as per the responsibilities set out in section 7.5.6 and 7.5.7 of this policy.
- 7.5.9 Confidentiality
- Statements, letters and other communications which form part of the complaint and subsequent investigation must remain confidential to those involved in the procedure arising from this policy to the greatest extent possible, subject to the entitlement of the complainant and respondent to full disclosure to them of all relevant documents.

All parties involved will be informed of the principle and necessity of confidentiality.

While it is recognised that making a complaint may be difficult, in order to ensure fairness to any respondent identified and to preserve due process, the College will be reluctant to accept anonymous complaints for any formal procedure to be implemented.

Retaliation of any kind against any learner or staff member for making a complaint, or taking part in an investigation, concerning bullying or harassment under this policy, will be considered a serious disciplinary offence within the college, and will be subject to a disciplinary procedure.

7.5.10 Monitoring Process

On an annual basis, each faculty and functional area will report on the number of complaints presented under this policy. This report will detail the number of complaints, the type of process initiated, the outcomes and recommendations. The report will be completed as follows:

- the Head of Faculty or the Line Manager reports on the informal or mediation processes that they have overseen to the Quality Assurance and Enhancement Department (QAED).
- the Director of Academic Programmes or their nominee reports on the formal process to the Quality Assurance and Enhancement Department (QAED).

A summary report of all data received will be provided by the Quality Assurance and Enhancement Department (QAED) to the college's Academic and Professional Council (APC) and the Management Board (MB).
