



## POLICY

to promote respect and dignity  
by preventing harassment or bullying



Dear Colleagues,

DCU is committed to equality of treatment for all individuals in the university community. As a core value of DCU, we strive to provide a work and study environment that is free from harassment or bullying. Moreover, all members of the diverse DCU community are expected to act with tolerance, sensitivity, and respect towards others. This is particularly relevant where there may be a variation in the interpretation of acceptable behaviour resulting from different backgrounds or cultures. Furthermore, where issues arise, there is an expectation that all parties will work toward a resolution that will enable a professional work or study environment to be maintained.

This policy document underpins the DCU culture of respect and dignity for all. It outlines what is meant by harassment or bullying and, in this context, details the responsibilities of all members the DCU community, with particular emphasis on the leadership role of line managers. Guidelines for resolution, both informal and formal, are also presented.

I am very happy to introduce this important document to you and to endorse its contents in the strongest possible terms.

*Prof. Brian MacCraith*

President,  
Dublin City University.

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## Policy Intent

Dublin City University (DCU) is a multi-cultural community that values and promotes equality and diversity across its organisation. The university does not tolerate unlawful discriminatory practices. DCU believes that its entire staff, students, visitors, contractors, sub-contractors and others associated with the university (referred to in this policy as “members of the university community”) have the right to enjoy their work and or study in an environment free from harassment or bullying. [www.dcu.ie/equality/diversity\\_statement](http://www.dcu.ie/equality/diversity_statement)

The policy to promote respect and dignity sets out our commitment to the promotion of a campus that recognises and respects individual difference and that rejects harassment or bullying as destructive to the recipient, the harasser or bully, and the university.

Every employee and student of the university should be aware that all forms of harassment or bullying are unacceptable and that everyone has a duty to behave in an acceptable and appropriate manner.

The policy provides a set of guidelines for any member of the university community who experiences incidents of harassment or bullying. The policy provides a number of options to resolve incidents that may arise. The policy requires that colleagues adhere to professional standards of behaviour and to take appropriate action in relation to other employees or students who exhibit unacceptable behaviour.

An individual who experiences harassment or bullying in the course of his or her work or study will have the support of the university in putting a stop to the behaviour. Complaints will be addressed speedily and will be treated with fairness and sensitivity and in as confidential a manner as possible.

In addition to being a violation of university policy harassment or bullying are unlawful.

### 1. Defining harassment, sexual harassment or bullying

#### 1.1. Harassment

Harassment is any act or conduct (including spoken words, gestures, or the production, display or circulation of written words, pictures or other material), if the action or conduct is unwelcome to the recipient and could reasonably be regarded, in relation to the relevant characteristic of the recipient, as offensive, humiliating, or intimidating. Harassment is covered in legislation by the Employment Equality Act, 1998 and 2004. The issue of Harassment is also dealt with under the Equal Status Act, 2000 and 2004. Sexual Harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. For the purposes of this policy all references to harassment include any activity that can be classified as sexual harassment.

#### 1.2. Bullying

Bullying is any form of repeated inappropriate behaviour, direct and indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, it is not considered to be bullying.

### 2. What constitutes harassment or bullying:

There are many examples of harassment or bullying. To constitute harassment under the legislation, the behaviour must be reasonably regarded as offensive, humiliating, or intimidating to the recipient. A single incident of unwanted behaviours of a sexual nature can be viewed as harassment. While some behaviours may be overt such as verbal abuse and the threat of physical violence, they can also be covert including subtle intimidation through inappropriate comments about personal appearance, constant criticisms, isolation and/or exclusion, or unrealistic, embarrassing or degrading demands.

The following is a non-exhaustive listing of examples of behaviours which can be viewed as harassment or bullying.

- Abusive, insulting or offensive language by one or more persons to another or others.
- Behaviour or language which frightens, humiliates, belittles or degrades, including criticism that is delivered with a raised voice,
- Inappropriate comments about a person's appearance, lifestyle or their family;
- Teasing or regularly making someone bear the brunt of pranks or practical jokes;
- Interfering with a person's personal effects or work equipment
- Physical assaults or threats

- Behaviour that undermines, treats less favourably or disempowers others. Examples may include overloading a person with work, setting timelines that are difficult to achieve or constantly changing deadlines, setting tasks that are beyond a person's skill level, ignoring or isolation a person, deliberately denying access to information, consultation or resources, or unfair treatment in relation to accessing entitlements such as leave or training
- Inappropriate written communication including letters, email or telephone text messaging

### 3. What does not constitute harassment or bullying.

It is important to differentiate between the exercise of a person's legitimate authority, as opposed to harassment or bullying. Line managers and supervisors have the right to manage, direct and govern how work is done, and a responsibility to monitor workflow and to manage performance. The exercise of this right is not harassment or bullying.

Disciplinary action taken against staff or students does not constitute harassment or bullying where the appropriate processes have been applied and communicated in a professional manner, examples of which follow:-

- Constructive feedback and /or advice on performance or professional behaviour are appropriate and reasonable, management actions.
- Critical comments indicating performance deficiencies do not constitute harassment or bullying where the comments are objective and communicated professionally.
- Constructive and appropriately delivered feedback which is intended to assist staff to improve their performance or the standard of their behaviour.
- Constructive and appropriately delivered academic feedback to students. Any such feedback should be in keeping with the university regulations. <http://www.dcu.ie/registry/examinations/>

### 4. Nine grounds of prohibited discrimination - as outlined in the Employment Equality Act, 1998 and 2004

- Gender : A man, a woman or a transsexual person (note: specific protection is provided for pregnant employees or in relation to maternity leave);
- Marital Status: Single, married, separated, divorced or widowed;
- Family Status: A parent of a person under 18 years or the resident primary carer or a parent of a person with a disability;
- Sexual orientation: Gay, lesbian, bisexual or heterosexual
- Religion: Different religious belief, background, outlook or none;
- Age: This applies to all ages above the maximum age at which a person is statutorily obliged to attend school;
- Disability: This is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions;
- Race: A particular race, skin colour, nationality or ethnic origin;
- Membership of the Traveller community: People who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

### 5. Impact of harassment, sexual harassment or bullying

Harassment or bullying can lead to serious health consequences and individual distress for those, affected, and cause organisational disruption with substantial financial and other consequences for the university. Indicators include disrupted teamwork; poor morale; reduced student and staff loyalty/commitment; impact on recruitment/retention, increased absenteeism, sick leave, staff turnover and poor employer public image.

Harassment or bullying can impact on health as indicated by distress, anxiety, sleep disturbance; sense of isolation; depression; loss of self esteem/self confidence; impaired ability to make decisions; physical symptoms of ill health e.g. headaches, nausea; deterioration in family/social relationships and increased risk of injury in the work/study environment.

At an organisational level, harassment or bullying may result in an unsafe work environment, which can lead to prosecution under Section 8.2 b of the Health Safety and Welfare at Work Act 2005. [www.oireachtas.ie/documents/bills28/acts/2005/a1005.pdf](http://www.oireachtas.ie/documents/bills28/acts/2005/a1005.pdf)

## 6. Victimisation

A complainant will not be victimised or subjected to any form of sanction for making a complaint in good faith, nor will any individual be victimised or subjected to sanctions for giving evidence in proceedings, or giving notice of their intention to do so. No element of penalty will attach to a complainant whose complaint is found to demonstrate that:

- Harassment or bullying did take place
- Harassment or bullying did not take place
- It was not possible to determine whether harassment or bullying occurred

## 7. What is expected of members of the DCU community

### 7.1. DCU Appropriate behaviour guidelines

In accordance with the general guidance and the specific principles set out in this policy, appropriate behaviour for members of the DCU community is one which recognises the right to dignity of all individuals, and imposes a duty of respect on them, whereby members of the university community are treated with consideration, courtesy and respect, without harassment, or physical or verbal abuse, or actions that can be interpreted as bullying or demeaning of others.

In view of DCU's stated commitment to equality of treatment for all individuals in the university community, all its members are expected to act with tolerance, sensitivity, respect, and impartiality towards others. This is especially so where there may be a variation in the interpretation of acceptable behaviour resulting from different backgrounds and cultures. It particularly applies also where a power imbalance exists. Power imbalances can exist in many forms including seniority, membership of a group and level of knowledge about systems or processes.

DCU takes all allegations of harassment or bullying very seriously. However, every staff member and student of the university should be aware that where, following an investigation, it is found that a complaint is malicious, frivolous or vexatious, the complainant may face disciplinary action up to and including dismissal in serious cases, particularly in cases where the good name and reputation of another member of the university community has been unjustifiably attacked.

### 7.2. Responsibilities of all members of the DCU community

All members of the DCU community have a duty to behave and conduct themselves so as to respect the right of others to dignity, courtesy and respect at all times. All members should refrain from engaging in acts of harassment or bullying and work to deliver a positive environment in which to conduct all university activities.

Every member of the DCU community is responsible for safeguarding his/her own safety and welfare, and that of his/her colleagues who may be affected by his/her actions, or omissions, while at work or on campus. Therefore each person has a duty not to place the safety, health and welfare of colleagues at risk by engaging in harassment or bullying, and where in a position of authority, to take the appropriate steps to stop bullying or harassment if or when it occurs.

Members of the DCU community should also cooperate by providing any relevant information when an allegation of harassment or bullying is being looked into whether in an informal or formal stage.

Any person who believes they are being subjected to harassment or bullying is encouraged and, indeed, expected to report such incidents and to engage in a co-operative manner with any process undertaken with a view to reaching an effective resolution or having the matter fully investigated.

### 7.3. Responsibilities of Executive Deans, Heads of School or Unit, Managers and Supervisors

DCU requires all staff members with management responsibilities, where practicable, to provide and maintain a working environment in which their staff and students are not exposed to hazards, which includes the psychological as well as the physical environment in this requirement. Supervisors who fail to act on reported incidents of harassment or bullying may be in breach of the DCU appropriate behaviour guidelines as outlined above in 7.2.

Managers, and supervisors, have a responsibility to manage in such a way as to protect the safety, health and welfare of employees. This means accepting responsibility for preventing bullying at work and endeavoring to resolve alleged cases of bullying at work.

All staff with management responsibility will promote the policy and treat complaints seriously and address them promptly, confidentially and impartially in accordance with the informal complaint resolution procedure. The emphasis is on promoting as early and as informal a resolution as is possible.

When a manager has witnessed or been advised of inappropriate behaviour, appropriate remedial action should be taken as outlined in this policy. There is a responsibility on the manager to manage and facilitate a resolution wherever possible.

Executive Deans, Heads, Managers, Supervisors will ensure that complainants are not victimised for making a complaint in good faith.

### 7.4. Where does the Policy apply

This policy applies to all areas of the university's operations and academic courses. Any member of the university community who is found to have harassed or bullied may be subject to the appropriate staff or student disciplinary action and/or other sanctions up to and including dismissal.

Where the conduct complained of is violent or criminal in nature, the Gardaí will be contacted without undue delay. In addition, in the case of staff, an immediate formal complaint should be made to the Director of Human Resources. Students should make an immediate formal complaint to the Deputy President/Registrar

## 8. Contact people

For any member of the DCU community who feels that they have experienced harassment, bullying or discriminatory behaviours there can be a heightened sense of isolation. In order to ensure that staff and students can determine the appropriate way to deal with the issue there are a number of contact people than can be approached to support the individual while they address the issue.

Contact persons for staff include Line Managers, HR Officers, Union Representatives, Policy Advisors, Equality Director, Health and Safety Officer.

Contact person for students include Student Union Executive members, Course Coordinators, Head of School, Director of Student Support and Development, Equality Director.

### 8.1. Policy Advisors

The policy advisors are DCU staff members who are appointed by the Equality Steering Group to help to support staff as part of the informal process under the remit of this policy. This can be done by

- listening to your experiences
- providing support to help resolve the problem
- giving information and support on the processes covered by this policy and also other supports available within the university

## 9. Implementation of Policy to Promote Respect and Dignity

The will be communicated to all members of the university community. The policy will be available on the DCU website as part of the university's equality and access policy and will be communicated to and distributed to new employees in the university's orientation process and in training courses. It will be published in student guides and handbooks and will be communicated to incoming students during the orientation process.

The university places particular responsibility upon Executive Deans and Heads of schools, centers and units, as well as managers and supervisors to make every reasonable effort to eliminate harassment or bullying of staff and students within their areas. They must ensure that they and those reporting to them are aware that harassment or bullying are regarded as being completely unacceptable forms of behaviour and will not be tolerated in the university community. Definitions of harassment, sexual harassment or bullying behaviours are detailed on page 1 of this Policy.

The university is committed to monitoring reported incidents of all forms of harassment or bullying in the workplace. This will be carried out through the Equality Office. To allow the Equality Office to report on an annual anonymised basis any incident of harassment or bullying should be recorded and returned to the Equality Office.

This policy will be reviewed on a regular basis for effectiveness in its implementation and operation. This will be done in line with changes in statute law, relevant case law and other developments, and in line with the university's experience.

The Director of Equality will present an annual report on the operation the policy to the President and University Executive.

## Section 2: The process for dealing with incidents of harassment or bullying

### Confidentiality

Confidentiality will be maintained throughout any investigation to the greatest extent possible, consistent with the requirements of a fair investigation. All individuals involved in the informal or formal complaints procedures (especially policy advisors) are expected to maintain the utmost confidentiality on the subject. However, DCU will of course be obliged to disclose the details of any complaint to such persons and to such extent as is necessary to properly and fairly investigate the complaint.

### 10. Informal, DCU Resolution Process

#### STEP 1 - Determining whether harassment or bullying has taken place

- In order to help staff or students determine whether they are being harassed or bullied it is recommended that they complete a self-audit check list. The check-list is available [www.dcu.ie/equality/self-audit](http://www.dcu.ie/equality/self-audit). If having completed the self-audit and sought advice the staff member or student feel they have a valid complaint it is recommended that they should proceed to step 2 of the informal resolution process.
- As part of the informal process it is recommended that any staff member or student should seek advice and guidance from one of the contact people.

#### What are the facts?

Harassment or bullying can sometimes be difficult to prove. It is therefore important for a complainant to keep a careful record of when and where incidents occurred, what was said/done, how it made them feel, who was involved, potential witnesses, as well as the names/details of people who will support their claims.

#### Communication Breakdown:

The issue may result from a communication breakdown, an interpersonal dispute, or a lack of clarity around roles in teams. If this is the situation by talking to the other party about the difficulties that are being experienced a resolution may be possible. It is important to stick to facts. In this situation staff or students should talk about the impact that events have had on them. This can be illustrated by examples. It is important that any meeting should be open and a two-way frank discussion. The meeting should be held in a private space away from the work or study environment.

It is important to remember that a one off incident does not constitute bullying and any bullying behaviour must be of a repeated nature in order to be investigated.

#### STEP 2 - Request that the behaviour stop

##### Approach the person directly

Unless a staff or student member feels that they are unable to, or where they feel it may be dangerous, uncomfortable or stressful for them to do so, they should initially discuss the matter with the person/people concerned and request that the unwanted behaviour stop.

The complainant should raise the issue as soon as possible after it has happened. Raising the issue with the individual provides them with an opportunity to desist from the complained of behaviour which they may not even be aware of.

Once the complainant has made the person engaging in the complained of behaviour aware of its effect, it is frequently the case that the latter desists from it and appropriate relations are restored between the parties.

However, if the informal process is unsuccessful or deemed inappropriate the complainant may decide to go to step 3 – facilitated resolution or to step 4 – formal resolution process.

#### Step 3 - Attempt a resolution through Facilitation or Mediation

##### Raise the matter with a line manager

Should the direct approach either not have the desired effect or not be possible, the complainant should raise the matter with either their line manager or the line manager of the person engaging in the unwanted behaviour. In the case of students this should be done with their programme director. In the event that the person who is allegedly harassing or bullying is the line manager or programme chair another person in authority within the Faculty or Unit should be contacted.

#### Locally Facilitated solution

Having followed the initial process and not being able to reach a solution the option of a facilitated meeting should be put forward. In this process for a staff member a head of department may facilitate the meeting. Where the claimant is a student the Director of Student Support and Development or their nominee may facilitate a meeting. In the case of a researcher at DCU the OVPR may be approached.

#### Externally Mediated solution

For a case involving a staff member and following discussions with the HR Director it may be deemed appropriate or necessary to appoint an external mediator to help resolve the issue. The HR Director may appoint an agreed mediator from a panel. Any mediation process should be undertaken within 10 working days of both parties agreeing to participate. If the respondent does not wish to participate the process will move to the next step should the complainant wish to proceed.

Through mediation a solution may be found at which point the issue will be deemed to have been resolved. The line manager should monitor the work environment to ensure that the unwanted behaviour has ceased.

Where mediation does not provide a solution the complainant may decide to proceed to step 4, the formal complaint procedure.

### 11. Step 4 - Formal DCU Resolution Process Staff

In the event that the informal processes have not proved successful in restoring a working relationship the complainant may wish to lodge a formal complaint.

Formal Resolution procedure for complaints against a member of staff

- Write to Director of HR with full detail of complaint and copies of all or any relevant notes of the alleged behaviours. Although a complainant may decide to access the formal resolution process at any time, where an allegation of harassment or bullying is made, and Informal Resolution has not been attempted the HR director may decide to explore other options with the complainant prior to proceeding to the investigation stage.
- On receipt of complaint the HR Director will provide the complaint to the person named by the complainant who for these purposes will be called the respondent. The respondent should return a written response to the allegations within 5 working days.
- HR Director requests the President (or other officer designated by the President) to set up an investigation panel
- The names of the investigation panel will be provided to both parties. Either party may raise an objection to a member of the panel based on either conflict of interest or potential for lack of impartiality. Any objection will be assessed by the President whose decision will be final.
- Investigation panel meet separately with both parties and provide them with the opportunity to outline the issues as they relate to the behaviours complained of in the complainant's written complaint. The panel will also meet with any witnesses who can provide corroborative evidence. The aim of the investigation panel should be to complete this process within 10 working days.
- Either party may be accompanied during these meetings.
- Once the investigation is underway both parties are expected to make themselves available in order to deal with the issue as expediently as possible. This is in recognition of the fact that a protracted process can cause additional stress and anxiety to both parties.
- If the investigation panel consider that it is necessary to do so it may in exceptional circumstances convene a joint meeting with the complainant and the respondent with a view to assisting in the determination of any facts in issue or dispute between the parties.
- Investigation panel submit findings to the President within 5 working days of completing their investigation.
- Both parties are provided with written report
- Where any disciplinary or other action needs to be taken as a result of the findings of the investigation they will be processed through the HR policies and procedures.
- The panel should endeavor to complete the investigation within 30 working days; however, this may be reviewed by the panel in light of availability of witnesses or scheduling difficulties.

Should the complainant decide to withdraw the complaint it will not be possible to reactivate it or the resolution process for the same issue.

Should the complainant withdraw from the process the respondent or the investigating committee may request that the investigation continue to provide a finding in relation to the complaint. This is to ensure that any member of the DCU community accused of behaviour which breaches the terms of the policy to promote respect and dignity has the opportunity to answer the charge and receive a formal determination from the investigating committee.

### 11.1. Potential Outcomes of a Formal Complaint Process

The investigation panel can only make recommendations with respect to the validity of the claim put forward by the complainant.

The panel may find in its view ;

- Harassment or bullying did take place
- Harassment or bullying did not take place
- The behaviour of one or other or both parties contributed to the breakdown in working relations
- No harassment or bullying was evident and the claim appears to be malicious or vexatious

In a case where harassment or bullying is found or the claim is vexatious the existing DCU disciplinary processes will be used to address the issue. Depending on the seriousness of the behaviour the university may decide to use any stage of these disciplinary processes.

It should be noted, however, that where a complaint is not upheld under the formal complaints process, this does not mean that the complaint is malicious.

### 12. Formal DCU Resolution Process Student

Where a complaint is brought against a student of DCU the formal process will be dealt with under stage 3 of the student complaints procedure. Full information is available at <http://www.dcu.ie/students/policies/index.shtml>

### 13. Support for Complainants of alleged Harassment or Bullying

The university views very seriously violations of this policy on respect and dignity in the workplace. The policy has been formulated in the spirit of promoting equality and preventing behaviour which is damaging to an individual's well-being and his or her ability to work effectively.

Where a member of the university community is found to have been subjected to behaviour which is harassing and/or sexual harassing and/or bullying in nature, counseling support will be made available. Such support will be available to staff through the Human Resources Department, and to students through the Student Counseling Service.

### 14. Advice if you are accused of bullying or harassment

A staff member accused of harassment or bullying may seek support or advice from DCU support areas such as HR, Equality Office, Line Manager, Department Head, and Union.

Students may wish to consult Student Support and Development, Student Union or the Equality Office. As part of the process of dealing with the accusation, it is recommended that the person accused complete the self-audit checklist for harassment or bullying which assists to reflect on behaviour, define the problem, and determine if the behaviours fall into the category of workplace harassment or bullying.

Where a complaint has reached the formal investigation stage, a person accused of harassment or bullying has the opportunity to respond to any allegation where this is relevant at the appropriate stage of the procedure and must be given a clear written account of the allegation so as to be in a position to respond to the allegation and to state their case.

### 15. Right to Appeal

In the event that either party can demonstrate that the investigation process was flawed or compromised, then they may appeal and/or request the President to appoint an external adjudicator. On hearing the appeal, the nominated appeals hearing officer or external adjudicator will report to the President, who will then decide whether to uphold the appeal.

### 16. Remedies available under the Employment Equality Act, 1998 & 2004

Using the Complaints Procedure will not affect the complainant's right to make a complaint under the Employment Equality Acts, 1998 & 2004 or the Equal Status Acts 2000 & 2004.

### 17. Disciplinary Action and Penalties

Penalties may be applied in accordance with the disciplinary procedure set out in the University's Statutes, and/or the employee's contract of employment, and/or the Students' Code of Discipline.

## Four Step Resolution Process

### Outline of resolution process

This resolution process focuses on trying to reestablish a good working or study environment following an experience of harassment or bullying for any member of the DCU community. The resolution process is comprised of four steps listed below. It is recommended that, where possible, the informal part of the process steps one to three, be used.

**NOTE:** For cases of bullying between students all aspects of the informal resolution process should be attempted through the existing student structures provided by the Students Union.

#### STEP ONE:

Assess whether harassment or bullying has happened. Use the self audit checklist [www.dcu.ie/equality/Respect\\_and\\_Dignity](http://www.dcu.ie/equality/Respect_and_Dignity) to help with this process. Should you prefer to discuss the options contact a policy advisor or the Equality Office for more information.

#### STEP TWO:

Approach the individual directly and request them to persist from immediately stop the offending behaviour. If it is not possible to approach the individual and the informal process is being followed bring the matter to the attention of the individuals' line manager and request an informal resolution.

#### STEP THREE:

Facilitated or mediated solution attempted. Where possible a locally facilitated solution should be attempted.

#### STEP FOUR:

In the event that an informal resolution process has failed or a member of the DCU community wishes to proceed to a formal investigation of a complaint, the formal resolution/investigation process will be initiated.

While it is not necessary to follow the steps sequentially it is recommended that all steps should be attempted prior to entering a formal process. A complainant's decision, for whatever reason, to bypass the informal stages should not reflect negatively on his or her complaint in the formal stages.

The guiding principle of the entire process will be one of fairness to each party.

When it is necessary to proceed to a formal complaint, it should be made at the earliest possible date in writing to the relevant DCU designated office holder

- Where a member of staff is involved contact the HR Director
- Where a student is involved contact the Deputy President/Registrar
- Where a visitor to the campus is involved contact the University Secretary.

#### Incidents involving Senior Management

In the event that any member of senior management is the subject of the complaint the DCU President should be contacted directly. Where the President is the subject of complaint formal complaints should be made directly to the Chancellor

