

Policy Identifier: Dignity and Respect Policy

Policy Title:	Dignity and Respect Policy
Description:	This policy sets out its aims and its intent as it outlines the responsibilities of all members of the campus to participate in creating a positive and tolerant environment.
Author (Position):	Vice President (Academic Affairs) and Registrar
Version:	2
Approved By:	MIE Governing Body
Policy Approval Date:	January 2019
Date of Next Policy Review:	April 2023 (or as necessary)

Dignity and Respect Policy

1 Context

- 1.1 One of Marino Institute of Education's (MIE) guiding principles is to build a community of learning which is person centred, respectful of individual differences and accessible to people who are disadvantaged. Consequently, MIE is committed to ensuring an environment that is supportive of and conducive to excellence at work and study.
- 1.2 MIE affirms that all staff and students have the right to work and study in a respectful, positive and safe environment.; MIE also affirms that all students and staff have the responsibility to work to develop and maintain a high degree of courtesy, dignity, respect, tolerance and sensitivity towards others as they learn, work and socialise together.
- 1.3 In particular, MIE nurtures and promotes a collegiate environment for its staff, students and other community members which is free from bullying, harassment and discrimination. This does not affect academic freedom, the values of free open enquiry and discussion of ideas or humour.

2 Purpose

This Dignity and Respect policy sets out to achieve the following:

- 2.1 To state clearly that MIE expects students and staff to have dignity and respect towards all;
- 2.2 To highlight students' and staff members' responsibility to promote an environment in which diversity is respected;
- 2.3 To support good communications amongst students and staff and to set standards of behaviour which are acceptable in the community;
- 2.4 To set out everyone's individual responsibility in both making themselves aware of the policy and in implementing it;
- 2.5 To provide guidance to students and staff on appropriate and respectful methods of resolving conflicts and disagreements;
- 2.6 To empower students and staff to resolve interpersonal issues at their level;

- 2.7 To raise awareness on the prevention of bullying and harassment;
- 2.8 To raise awareness of the effects of bullying and harassment on individuals and the learning and work environment;
- 2.9 To promote a climate in which students and staff feel able to raise complaints¹ of bullying without fear of victimisation;
- 2.10 To set out processes for addressing complaints of bullying and harassment which uphold the rights of both the complainant and the person against whom the allegation is made.

3 Benefits

This policy sets out its aims and its intent as it outlines the responsibilities of all members of the campus to participate in creating a positive and tolerant environment. It also presents the processes that exist for handling sensitively any issues that arise. Where issues arise, there is an expectation that all parties will work toward a resolution that will enable a professional work and study environment to be maintained.

4 Scope

This policy applies to the behaviour of students and staff of MIE and others on MIE business or engaged in activities relating to the Institute or providing services to the Institute in all locations and situations, including:

- 4.1 Institute campus
- 4.2 The campus of any other institution or place where students or staff are representing MIE, including work placement sites
- 4.3 At events such as social functions, conferences, sporting events, field trips or work assignments which are related to MIE, to a person's study/work, or at which a person is representing MIE
- 4.4 In writing, on the telephone, by email, on social media or on any other part of the internet in any MIE-related activity.

¹ See [Student Complaints Procedure](#)

4.5 This policy will be widely publicised and its content made known to all students and staff members through Moodle and other outlets. All new students and staff will be informed of the existence of this policy during induction.

5 Principles

5.1 What are the responsibilities of members of MIE?

- 5.1.1 All members of the MIE community share the responsibility for ensuring an environment that protects the dignity and respect of its members. It is in everyone's interests to behave and work positively and harmoniously together. This is particularly relevant where there may be a variation in the interpretation of acceptable behaviour resulting from different backgrounds. Equally, it is relevant where a power imbalance exists.
- 5.1.2 Appropriate behaviour is one which recognises the right to dignity of all individuals and imposes a duty of respect on them. Each individual is expected to act with tolerance, sensitivity and respect towards others. This individual responsibility extends to an awareness of the potential impact of personal behaviour on others and how it may cause offence and make them feel uncomfortable or threatened.
- 5.1.3 It is not the intention of these guidelines to prevent normal good-humoured banter between colleagues and classmates. However, care needs to be taken not to cross the line into unacceptable behaviour which is or may be perceived as being offensive, abusive, intimidating, malicious or insulting. In any case, such behaviour should stop immediately when classmates or colleagues indicate it is unacceptable.
- 5.1.4 Students and staff also have a responsibility to help to ensure that unacceptable behaviour does not continue unchecked or unreported. The Institute in particular will support and empower complainants to address complaints² informally either directly with the alleged perpetrator, or by asking their manager/HR (for staff) or Course Leader (for students) to alert the alleged perpetrator to the complainant's concerns.

² See [Student Complaints Procedure](#)

5.2 Each person must consider how their actions challenge the dignity and respect of others:

- 5.2.1 Is there a work issue to be resolved that they have been ignoring?
- 5.2.2 Do they see something happening that does not fit with the ideals of dignity and respect?
- 5.2.3 Do they have something personal that they need to work on?
- 5.2.4 Do they need to look at their communication style?
- 5.2.5 Are they respecting their peers' and colleagues' right to individuality and privacy?
- 5.2.6 Could they improve their effectiveness as a team player?

6 Definitions

6.1 What is Bullying?

- 6.1.1 Bullying is a serious matter and can manifest itself in varying ways.
- 6.1.2 Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of study or work, which could reasonably be regarded as undermining the individual's right to dignity and respect.
- 6.1.3 An isolated incident of the behaviour described in this definition may be an affront to one's dignity but, as a once-off incident, is not considered to be bullying.
- 6.1.4 Bullying can take many forms, from open aggression, threats, and shouting to subtle comments or exclusion. It can be verbal, physical or psychological. It is destructive and may have serious consequences. The impact of the behaviour on the recipient will be taken into consideration by MIE when dealing with cases of bullying.
- 6.1.5 It should be noted that the issuing of reasonable student discipline or instruction on study-related matters, work related instructions or the exercise of lawful management rights or duties would not be construed as bullying. In addition, complaints³ that are related to assignment of duties or terms and conditions of

³ See [Student Complaints Procedure](#)

employment are not suitable for this process, and may be referred to a member's Head of Department or to the Head of Human Resources.

6.2 Examples of Bullying:

- 6.2.1 Verbal: personal insults, sneering, demeaning remarks, humiliation in front of others, nicknames, ridicule, persistent identification of one person as 'a joke', persistent criticism, maligning or ridiculing of a person, threats, repeated putdowns, offensive jokes, derogatory graffiti, cyber bullying where humiliation is caused through the use of chat rooms or email, written insults by text message;
- 6.2.2 Non-verbal or indirect: deliberate exclusion, hostile attitude, spreading malicious rumours;
- 6.2.3 Abuse of power: excessive criticism, withholding essential information, intimidation;
- 6.2.4 Physical: shoving, jostling, interfering with personal property or work station, aggressive behaviour, physical intimidation, unwelcome physical contact up to and including assault.

6.3 What is Harassment?

This policy adopts the definition of harassment as outlined in the [Equality Act, 2004](#), i.e. "any form of unwanted conduct, related to any of the nine discriminatory grounds and being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person". Harassment may consist of a single incident or repeated inappropriate behaviours.

6.4 Many forms of behaviour may constitute harassment including:

- 6.4.1 Verbal harassment (jokes, comments, ridicule);
- 6.4.2 Written harassment (text messages, emails, notices);
- 6.4.3 Physical harassment (gestures, threatening poses);
- 6.4.4 Visual displays (posters, emblems, badges);
- 6.4.5 Isolation or exclusion from social activities;

- 6.4.6 Pressure to behave in a manner that the person thinks is inappropriate – e.g. being required to dress in a manner unsuited to a person’s ethnic or religious background.

6.5 What is Sexual Harassment?

Sexual harassment includes acts of physical intimacy or requests for sexual favours or any act or conduct by a harasser, including spoken words, gestures or the production, display or circulation of written words, pictures or other material that are unwelcome to the recipient and could reasonably be regarded as sexually disrespectful, offensive, humiliating or intimidating to the recipient. The unwanted nature of sexual harassment distinguishes it from flirtatious or sexual behaviour, which is entered into freely and mutually; it is the damaging impact of the unwanted behaviour on the recipient, not the intention of the harasser, which counts. The impact of sexual harassment is taken into account by MIE when cases of sexual harassment are investigated.

6.6 Examples of Sexual Harassment:

- 6.6.1 Verbal: unwelcome sexual advances, suggestive jokes and innuendo, requests for sexual favours, threats;
- 6.6.2 Non-verbal or indirect: sexually suggestive pictures or written material, leering or gestures, spreading rumours about a person’s sexual behaviour or orientation;
- 6.6.3 Electronic: sexually suggestive messages or images transmitted by computer or other electronic means;
- 6.6.4 Physical: unwelcome physical contact, up to and including assault.
- 6.6.5 The legislation concerning sexual harassment applies to incidents of a sexual nature between individuals of the same sex as well as between a woman and a man.

6.7 What is Racial Harassment?

Racial harassment, which is harassment on the grounds of race, including national or ethnic origins, is defined as unwanted or unwelcome conduct, or incitement to such conduct, based on a person’s race, which is offensive to the recipient and which might threaten a person’s security or create a stressful, hostile or intimidating work or study environment.

6.8 Examples of Racial Harassment

- 6.8.1 Verbal: offensive jokes or remarks about a person's race or ethnic origin (including membership of the travelling community), ridicule or assumptions based on racial stereotypes;
- 6.8.2 Non-verbal or indirect: exclusion, hostile or demeaning attitudes, spreading malicious rumours;
- 6.8.3 Visual: production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda;
- 6.8.4 Physical: physical assault, threats of physical assault.

6.9 Are There Other Forms of Harassment?

- 6.9.1 Any act or conduct by a harasser is considered to be harassment if it is unwelcome to the recipient and could reasonably be seen as offensive, humiliating or intimidating to the recipient, in relation to one or more of the following characteristics of the recipient: gender; marital or family status; sexual orientation; religion; age; disability; and membership of the traveller community. Such behaviour can take many forms, similar to those of sexual harassment, racial harassment or bullying. It should be noted that such behaviour may be destructive and is unacceptable.
- 6.9.2 Furthermore, members and non-members of the MIE community may carry out/experience harassment. Harassment by persons not directly connected to MIE, such as clients, service providers, etc. is unacceptable and should be promptly reported. Although MIE has no power to discipline the offender in such cases, upon receipt of a complaint⁴ and after investigation where appropriate, it will take action in an effort to prevent reoccurrence of such conduct. All members of the MIE community should give the same level of respect to visitors to the campus, as they are a valuable part of MIE. In addition to being a violation of MIE's policy, many forms of bullying and harassment are unlawful.

⁴ See [Student Complaints Procedure](#)

6.1 The Effects of Bullying and Harassment

Bullying and Harassment can affect many aspects of Institute life and an individual's dignity and wellbeing, for example, there can be:

- i. Damage to morale;
- ii. Poor performance in study or work;
- iii. Culture of fear;
- iv. Anxiety;
- v. Depression;
- vi. Damage to self-esteem and health;
- vii. Loss of respect;
- viii. Loss of confidence;
- ix. Increased absenteeism and ill health;
- x. Poor services to students and staff;
- xi. Damage to MIE's reputation if motivation or efficiency is impaired.

7 Policy

7.1 MIE is clear that bullying and harassment are unacceptable. Breaches of the MIE policy may constitute grounds for disciplinary action and, in cases involving serious offences, disciplinary action up to and including suspension or dismissal⁵.

7.2 Audit: Are you Being Bullied or Harassed?

If you think you are the subject/victim of bullying / harassment, the following checklist may be helpful (see also Appendix 1):

- i. Is the repeated behaviour unwanted and unnecessary?
- ii. Is it offensive or intimidating?
- iii. Does it make you feel vulnerable, stressed or isolated?
- iv. Is it negatively affecting your work or study?

⁵ See [Disciplinary Policy](#)

7.3 Support Services

- 7.3.1 Students and staff members who are concerned about incidents of bullying, sexual harassment, racial harassment or other forms of harassment, e.g. as colleagues, peers, friends, witnesses, or as people against whom an offence has been committed, should feel free to seek confidential help and advice. It is strongly recommended that they do so (see Appendix 5).
- 7.3.2 Given the often personal nature of bullying or harassment, the recipient may need to discuss their concerns in confidence with someone else, in a safe environment. It is strongly recommended that the aggrieved party keeps a record of incidents as they occur: what happened, dates, times, places, witnesses (if any), their response and the impact on them.
- 7.3.3 The first ports of call for student support and guidance through the process would be one or more of the following:
- i. The student's tutor⁶
 - ii. A doctor at [Student Health Centre](#)
 - iii. The [Trinity College Dublin, the University of Dublin \(hereafter referred to as Trinity\) Counselling Service](#)
 - iv. A member of the [Students' Union](#), such as the Welfare Officer.
 - v. For staff members, the support is to be sought from the Head of Department or from the Manager, Human Resources.
- 7.4 Tackling communication breakdowns or interpersonal disputes when dignity and respect are not upheld.
- 7.5 Sometimes, there can be a breakdown in communication or an interpersonal dispute between students or staff members. A student or staff member may have an issue resulting from a communication breakdown, an interpersonal dispute, or a lack of clarity around roles in teams. It is important that the situation be resolved as quickly as possible (see Appendix 4). Here is one recommended method:

⁶ See [Tutor System Policy](#) and [Tutor System Procedure](#)

7.5.1 Step 1

The student gets support from their tutor⁷ while the staff member gets support from their Head of Department or from the Human Resources Manager. Then the aggrieved person takes some time to think through/write out the problem(s) and the potential solutions.

7.5.2 Step 2: It is recommended that if the aggrieved person opts to handle the matter themselves they:

- i. Arrange to meet the other party at an agreed time, in an agreed venue;
- ii. Agree confidentiality and a length of time for the meeting e.g. generally about one hour.

7.5.3 The meeting might involve the aggrieved party:

- i. Talking to the other party involved as openly and honestly as possible about the difficulties caused by the breakdown;
- ii. Sticking to facts and being non-judgmental;
- iii. Talking about the impact that events have had on them and using examples;
- iv. Making it clear that the matter can be and needs to be resolved amicably and promptly;
- v. Being open to the discussion being two-way, i.e. both sides take equal time to communicate their story uninterrupted summarising the problem.

7.5.4 Step 3: Both parties, at the end of the meeting:

- i. Brainstorm possible solutions;
- ii. Agree a way forward to solve the breakdown and agree how to monitor it; or
- iii. Agree the next step if a solution is not possible at this point.

7.5.5 The desired outcome of this process is to allow both parties agree a framework where they will be able not only to continue to interact together in an appropriate manner but to repair the breakdown.

7.5.6 Step 4: Review the situation. It is important to review the situation some time after the resolution to check whether it is working properly, as was built into the resolution.

⁷ See [Tutor System Policy](#) and [Tutor System Procedure](#)

7.5.7 Step 5: If a resolution is not found or if the breakdown persists despite the agreed resolution, the aggrieved student consults their tutor⁸ while the aggrieved staff member contacts the Manager, Human Resources and informs the other party of this step.

7.6 When Academic Progress is affected by Dignity and Respect Matters

7.6.1 When a student believes that their academic progress is affected by the behaviour of an academic staff member, the clear process as outlined in the MIE Dignity and Respect policy will be applied as appropriate.

7.6.2 Where a complainant and an alleged offender share a tutor⁸, this may be helpful if the tutor is acting in a mediating/facilitating role. However, if the process is or becomes more formal, it may not be possible or desirable for the tutor⁸ to hold a dual role. In this case the tutor may discuss the situation with the Registrar or the Registrar's nominee in order to achieve a satisfactory resolution.

7.7 Resolution Procedure 1.

7.7.1 Resolving Incidents of Bullying or Harassment

A student or staff member who feels subjected to bullying or harassment may opt to progress their concerns informally or formally. The objective of the informal process is to resolve the issues with the minimum of conflict and stress for the individuals involved (see section 7.9 below). For extremely serious complaints⁹ or where the problem is not resolved through an informal process, the formal process should be observed (see section 7.17 below).

7.8 A person who considers themselves to have been the victim of a breach of this policy may need advice on the best option to choose. They should contact one of the Support Services listed in this document

- i. The person should inform them of the precise details of the offensive behaviour. They will listen to the person's story and provide personal assistance to solve the problem, including information on MIE's procedures. They will act in an impartial and non-judgemental manner.

⁸ See [Tutor System Policy](#) and [Tutor System Procedure](#)

⁹ See [Student Complaints Procedure](#)

- ii. They will explore with the person whether they should choose one of the three approaches of the informal procedure or opt for the formal procedure. In all cases they will provide personal support.
- iii. They will act only with the person's agreement.

7.8.1 Remember that the principles of natural justice apply to all parties to a complaint¹⁰.

Alleged harassers have the same rights as complainants. They have a right:

- i. To know the full allegations and who is making them;
- ii. Of reply (to defend themselves);
- iii. To representation;
- iv. To impartial and objective consideration of evidence to appeal¹¹.

7.9 In general, complainants will be expected to attempt, as far as possible, to resolve their concerns using the informal process below.

7.10 Informal Process

7.10.1 The objective of this approach is to resolve the difficulties with the minimum of conflict and stress for the individuals involved. There are three informal approaches:

- i. Handling matters themselves
- ii. Talking to others
- iii. Seeking an intervention that would lead to mediation.

7.10.2 In all cases first seek advice (from sources of help named in this document).

7.11 Handling matters themselves

7.11.1 If the person is comfortable enough to arrange to meet with the alleged offender, they should follow the process presented in this policy.

- i. Arrange the time and venue of the meeting.
- ii. Speak privately to the person whom they feel is bullying/harassing them to make clear that the behaviour is unacceptable, offensive and harmful and that it is not in keeping with MIE policy and ethos. The objective here is to allow the alleged

¹⁰ See [Student Complaints Procedure](#)

¹¹ See [Appeals Policy \(Academic Progression\)](#), [Court of First Appeal Process](#), [Court of Second Appeal Process](#), [Postgraduate Appeals Process](#) and [Guidelines on Evidence in Support of an Ad Misericordiam Appeal](#)

offender to understand the impact of their behaviour. The complainant asks them to stop the behaviour.

- 7.11.2 If the person finds it difficult to approach the alleged offender or, if following a meeting with them, the behaviour persists, move to the next step.
- 7.12 Talk to another person
- 7.12.1 Students can talk to their tutor¹² or [GP](#) or [Counselling Service](#) or [Students' Union](#); staff members can approach their Head of Department or the Manager, Human Resources.
- 7.12.2 They will assist you with handling the matter but will do so in an impartial and non-judgemental way. In this regard you may decide with them to have them accompany you to a meeting with the alleged offender. Equally, the alleged perpetrator may be accompanied. The third party's role is to provide support to the complainant while they are making their issues known to the alleged perpetrator(s) who is/are given an opportunity to see the offending behaviour from the complainant's perspective. The desired outcome of this process is to allow both parties agree a framework where they will be able to continue to interact together in an appropriate manner.
- 7.12.3 If, at this point, the alleged offender agrees a solution with the complainant, the remedial actions should be clearly identified and agreed by both parties. To remove ambiguity later, written notes could be prepared and signed. This will allow both parties to review and monitor the situation.
- 7.12.4 Instead of having a support person accompany you to a meeting with the alleged offender, you might request the support person to alert the alleged offender to how their behaviour is perceived by you and of its impact on you.
- 7.13 If the desired outcome is not achieved or if the solution does not last and the issue persists, the aggrieved person may resort to seeking an intervention such as mediation.
- 7.13.1 See Appendix 4 of this policy

¹² See [Tutor System Policy](#) and [Tutor System Procedure](#)

- 7.13.2 MIE supports the use of mediation as an alternative method of resolving complaints¹³. Both parties must be willing to take part and agree to the appointment of an internal mediator.
- 7.13.3 This 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.
- 7.13.4 If the parties agree to this approach, MIE will appoint a neutral and impartial mediator, with the agreement of the parties, to facilitate the process.

7.14 Informal Process: conclusion

The objective of the three approaches of the informal process is not to determine whether an actual violation of the policy has occurred but rather to attempt to restore a working relationship between the parties so that the difficulties can be amicably resolved between the individuals involved.

7.15 Resolution Procedure 2.

Making a complaint (see also Appendix 1)

- i. Students and staff members who have either not wished to take the informal option (despite being recommended to do so) or who found the Informal option was ineffective/unresolved may wish to follow the Formal Process i.e. make a clearly formulated written complaint of bullying/harassment.
- ii. Students do this to the Registrar through their tutor.
- iii. Staff members do this to the Human Resources Manager.
- iv. This should be done after experiencing a number of alleged bullying or at least one serious harassment incidents have/has been recorded by the victim. It is recommended to not let the issue persist if it is clearly damaging the study, work and health of the victim.

7.16 Is it stressful to make a complaint and to be the subject of a complaint?¹³

It is recognised that the decision to bring a case forward can cause anxiety or stress for the person concerned. In addition, being an alleged harasser (when informed) can be stressful.

¹³ See [Student Complaints Procedure](#)

Either party can talk about the situation to the appropriate person, as this can help alleviate the stress. It is important that all manage this stress.

7.17 Formal Process

- 7.17.1 Once the Registrar or Human Resources Manager has received a formal complaint in writing of the precise details of the issue, then the formal procedure is invoked.
- 7.17.2 All formal complaints of harassment, sexual harassment and bullying will be treated seriously, with fairness, and with due regard to the sensitivities of the complainant and to the rights of the person against whom the complaint has been made (see Appendices 1 & 3).
- 7.17.3 Complaints¹⁴ will be dealt with promptly and sympathetically.
- 7.17.4 As far as possible, every effort will be made to handle complaints in confidence.
- 7.17.5 A complainant's rights are protected under this policy and they will not be penalised for making a complaint in good faith (see Appendix 3).
- 7.17.6 Step 1
- i. The Registrar/Human Resources Manager will designate two members of staff to investigate the complaint and who can draw on relevant expertise and resources as appropriate. They will investigate the complaint and provide a report within 15 working days, if possible. Every effort will be made to complete the investigation as quickly as possible, and within an agreed timeframe.
 - ii. In cases alleging sexual harassment, MIE will ensure that at least one of the investigators will be of the same gender as the complainant. Both should be involved in all stages in the interviewing of witnesses and parties to the complaint.
 - iii. The investigation will look objectively at all evidence pertinent to the complaint. The Investigators should meet with the complainant and the alleged harasser and any witness on an individual basis with a view to establishing the facts.

7.17.7 Step 2

The Registrar/Human Resources Manager should appoint the investigators and specify their terms of reference for the investigation. For example, these may include:

¹⁴ See [Student Complaints Procedure](#)

- a. Copying the complaint, in writing, within five working days, to the alleged harasser who is advised that they shall be afforded a fair opportunity to respond to the allegation. All material relevant to the complaint will be made available to the alleged harasser during the course of the investigation;
- b. Receiving responses;
- c. Organising investigation meetings (separately for each of the two parties);
- d. Students and Staff are obliged to co-operate with investigations held under this procedure.

7.17.8 Step 3

- i. Investigation meetings will be held in confidence and with sensitivity, and all students and staff members will be treated with dignity and respect. The respective parties may be accompanied or represented at all meetings regarding the process. Confidentiality is required of all parties involved in the investigation.
- ii. Those attending an investigation meeting will be told in advance of the meeting of:
 - a. The purpose of the meeting;
 - b. The complaint being investigated;
 - c. The time and venue;
 - d. Their right to representation;
 - e. That the investigation may lead to disciplinary action.
 - f. A written record of all meetings shall be kept¹⁵. Further investigation meetings may be scheduled if required as issues arise.

7.17.9 Step 4

The Investigators, in a fair and sensitive manner, consider all the information and prepare a finding.

7.17.10 Potential findings of an investigation.

The investigators may find, in their view, that:

- a. The investigation is limited to making a determination of whether the complaint is/is not upheld;
- b. There was a breach of the Policy

¹⁵ See [MIE Records Retention Schedule](#)

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- c. There was not a breach of Policy;
- d. 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 this case, an appropriate [MIE Disciplinary Process](#) will be used to address the issue.

7.17.11 Step 5

- i. The outcome of the investigation will be in the form of a preliminary written report which will be provided to the complainant and alleged harasser for their comment.
- ii. Such comments will be considered by the investigator in the drafting of the final report, which should be sent to the Registrar/Manager, Human Resources.

7.18 Complaint justified

7.18.1 If it is found that the complaint is well founded (i.e. the policy of dignity and respect was violated), the Registrar or Manager, Human Resources may recommend counselling, monitoring or the referral to an appropriate MIE disciplinary process.

7.18.2 The outcome should be conveyed personally, as well as in writing, to the individual(s) involved.

7.18.3 If a disciplinary hearing is recommended, this will be conducted in line with the Disciplinary Policy.

7.18.4 The sanction will be intended to perform a deterrent and corrective function in order to uphold the Dignity and Respect ethos of MIE.

7.19 Is there a right to Appeal?¹⁶

7.19.1 In the event that either party can demonstrate that the investigation process was flawed or compromised or that the outcome is partial, then they may lodge an appeal to the President of MIE, or their nominee within seven working days i.e. set out in writing the grounds on which they are not satisfied with the conduct of the investigation or its outcome.

¹⁶ See [Appeals Policy \(Academic Progression\)](#), [Court of First Appeal Process](#), [Court of Second Appeal Process](#), [Postgraduate Appeals Process](#) and [Guidelines on Evidence in Support of an Ad Misericordiam Appeal](#)

- 7.19.2 The President will follow MIE's procedure in this matter who may appoint an external adjudicator, who will review all the documentation in the case.
- 7.19.3 Having reviewed the documentation, the external adjudicator will report to the President or their nominee who will then decide whether to uphold or not the appeal or seek further information in relation to the case. This decision shall be binding.
- 7.20 What happens after the investigation?
- 7.20.1 The Registrar or Human Resources Manager will have regular checks made to ensure that, where an allegation has been substantiated, the offensive behaviour has stopped and that there has been no victimisation for referring a complaint in good faith or no victimisation of any witness who participated in good faith (see Appendix 2).
- 7.20.2 Retaliation of any kind against a student for complaining or taking part in an investigation concerning bullying/harassment will be dealt with as a serious offence under [MIE Disciplinary Policy](#).
- 7.21 Is there support for investigators?

Being an investigator, particularly in difficult cases, can be stressful and can cause an additional workload for a member of staff. Advice, support and resources will be provided where necessary and appropriate.

7.22 Possible outcomes of an investigation:

7.22.1 Complaint not upheld

If it is found that the complaint is not upheld, the complainant should be assured that bona fide complaints will not be viewed as malicious.

7.22.2 Malicious complaints

Complaints¹⁷ which are found to be malicious will be treated as serious misconduct under [MIE's Disciplinary Policy](#). This provision should not deter students or employees from reporting genuine complaints.

7.22.3 Withdrawal of complaints

¹⁷ See [Student Complaints Procedure](#)

- i. From time to time people make a complaint and then do not wish to proceed. Any claim which is not going to proceed must be withdrawn. Withdrawal of a claim will be taken seriously. The withdrawal must be made in writing to the person to whom the complaint was first lodged.
- ii. MIE has a duty of care to take all complaints seriously. This includes discussing appropriate procedures and referrals through the process.

7.22.4 Counter Allegations

Any counter allegation will be treated as a separate complaint. Generally, if part of a formal investigation, the counter allegation will be expected to be in writing. The formal procedure above will apply to the complaint in every regard, and the case shall be investigated under the same process.

7.23 Note Taking

Where notes are made about cases in relation to the implementation of any part of this policy, sensitivity will be shown towards all parties. Notes will be retained in compliance with GDPR best practice¹⁸. Typically notes will be taken by a person who is independent of the complainant and of the alleged offender, the notes will be kept as a record on the complainant's file until either the complainant asks for them to be shredded or until the complainant has graduated from the Institute¹⁹. At that stage any such notes on a student's file will be shredded.

8 Responsibility

The Responsibility for maintenance of this policy for students rests with The Registrar and Vice President (Academic Affairs)

9 Related Documents

9.1 [Admission, Access and Transfer Policy](#)

9.2 This policy is adapted from the [Trinity Dignity and Respect Policy](#). That policy is informed by statutory legislation and policies which protect Dignity and Respect:

9.2.1 [Employment Equality Acts 1998-2011](#)

¹⁸ See [MIE Privacy Policy](#)

¹⁹ See [MIE Records Retention Schedule](#)

- 9.2.2 [Equality Status Acts, 2000-2012](#)
- 9.2.3 [Disability Act, 2005](#)
- 9.2.4 [Health, Safety and Welfare at Work Act, 2005](#)
- 9.2.5 [Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2007](#)
- 9.2.6 [Employment Equality Act, 1998 \(Code of Practice\) \(Harassment\) Order 2012](#)
- 9.2.7 [The Workplace Relations Commission \(WRC\) Code of Practice on Addressing Bullying in the Workplace.](#)
- 9.3 In addition, the following policies were consulted and used in adapting the policy:
 - 9.3.1 [Dublin City University's Policy to Promote Respect and Dignity by Preventing Harassment or Bullying](#)
 - 9.3.2 [Dublin Institute of Technology's Student Dignity and Respect Policy and Procedures](#)
 - 9.3.3 [The National University of Ireland, Galway's Student Anti-Bullying Policy](#)
 - 9.3.4 [University College Cork's Duty of Respect and Right to Dignity Policy.](#)
- 9.4 The policy was considered by the MIE Academic Council, which includes representatives of staff, students and the Governing Body
 - 9.4.1 [Academic Council Terms of Reference](#)
 - 9.4.2 [Code of Governance](#)
 - 9.4.3 [Matters Reserved for the Governing Body of MIE](#)
- 9.5 [Disciplinary Policy](#)
- 9.6 [Tutor System Policy](#)
- 9.7 [Tutor System Procedure](#)
- 9.8 [Student Complaints Procedure](#)
- 9.9 [Court of First Appeal Process](#)
- 9.10 [Court of Second Appeal Process](#)
- 9.11 [Guidelines on Evidence in Support of an Ad Misericordiam Appeal](#)

10 Appendix 1 – Complainants – Information on Handling Bullying and Harassment

10.1 If you think you are the subject of bullying/harassment, the following checklist may be helpful. In addition, there is further information in this section on the difference between resolutions methods offered.

10.1.1 Are you being bullied?

- i. Is the behaviour unwanted and unnecessary?
- ii. Is it offensive or intimidating?
- iii. Does it make you feel vulnerable, stressed or isolated?
- iv. Is it negatively affecting your work or study?

10.1.2 Bullying and harassment can involve an individual or group of individuals. You may wish to discuss the situation with one of the [Student Support Services](#) listed in this document. It may be difficult to talk about the unwanted behaviour or to complain. For example, you may feel embarrassed or worry about:

- i. Not being believed;
- ii. Not having witnesses or having witnesses;
- iii. Making too much of what might be termed a ‘trivial’ incident;
- iv. Making the situation worse;
- v. Repercussions on your work or studies;
- vi. Impact on others.

10.1.3 It is important to overcome these fears and to seek help to resolve the situation before it escalates.

10.1.4 Bullying and harassment can affect anyone but can sometimes occur where the alleged offender is in a relative position of power or authority over the complainant, for example because of age or seniority or size.

10.2 Protection of complainant from victimisation

MIE will, at every opportunity, seek to protect all of the parties involved from victimisation and from any negative impact on their day to day study/work. The alleged harasser will be asked to refrain from contacting you. However, it is accepted that professional interaction in

relation to normal working matters may be essential during the process. It is expected that all parties will act in a courteous and respectful manner.

10.3 Training and counselling

MIE will endeavour to provide training or counselling to all parties who feel they would benefit. Often those whose behaviour is causing problems may be unaware of or insensitive to the impact of their actions and training and/or counselling can help change behaviour and prevent future incidents.

10.4 Choosing the Informal or the Formal process

Some points to take into consideration when making a complaint are outlined below. The decision whether to make an informal or formal complaint is ultimately made by the complainant with or without having received advice from a recommended source.

10.4.1 You may wish to take into consideration:

- i. The level of impact on you;
- ii. Whether it is sexual harassment;
- iii. Whether it is ongoing in nature;
- iv. Whether it is escalating in severity.

10.5 In the case of serious complaints or where the problem is not resolved through one of the approaches of the informal method, the formal complaints process may be used.

10.6 In addition, outlined below are some of the differences between the processes:

10.6.1 Informal –This is essentially a ‘conciliation’, where both parties are given the opportunity to explain the situation (impact and intent) either in person or via a representative such as a tutor. This is a confidential process and no records are kept on file.

10.6.2 Workplace mediation – this is a separate, alternative method of resolution where both parties agree to the process of mediation. No written notes are kept on either party’s files. A mediator helps the parties in a dispute to talk about the issues between them and, if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and strictly confidential.

- 10.6.3 Formal – The complaint must be submitted in writing to the Registrar or Manager, Human Resources. Two investigators are appointed to examine the complaint, and witnesses may be called. If the complaint is found to be upheld, full written records are kept on file.

11 Appendix 2 - Information for Witnesses

11.1 The approach

- i. You will be contacted either in person or in writing by the investigators of a formal complaint and asked to attend a meeting with them (and only them) at a specific date/time. It will usually state that you have been named by STUDENT X or STAFF MEMBER X as a witness in a complaint.
- ii. You should co-operate with this request, and, if unsure about what to do next, you can contact one of the Support Services listed in this policy.

11.2 Information about a complaint²⁰:

The witness will be given very little information with regard to the content of the complaint. The only information you will receive is around that event you may have witnessed. You may be asked to clarify the content of an interaction. You will not be given any information on the outcome of the situation. While this can be seen as frustrating, this is to protect the confidentiality of the parties involved.

11.3 Confidentiality

You will be expected to maintain strict confidentiality about becoming a witness and about the content of the meeting. Consequently, you should not discuss this with any of your classmates or colleagues or the complainant or alleged harasser.

11.4 What evidence should I give?

Be truthful during the process. Only give evidence which you have directly witnessed, not that you have heard or been told by other classmates or colleagues. If you cannot recall precisely the events, state this clearly.

11.5 Have I a right to representation?

²⁰ See [Student Complaints Procedure](#)

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While not every witness chooses to have a representative present at proceedings, everyone in the process does have a right to a representative.

11.6 Do I get copies of my statements?

If you wish, you can get copies of the notes taken during your meeting with the Investigators.

11.7 Is there protection from victimisation?

Staff members or students who have agreed to go forward as a witness or have given evidence in proceedings are protected under this policy from victimisation. Every effort will be made to ensure you will not be negatively affected by agreeing to participate in the process.

11.8 What support is available?

Staff members or students may find it stressful to be a part of this process. If you wish to seek support, you can contact the appropriate professional service. They will talk you through the issues at hand, endeavour to help relieve the stress, and will work with you on a strategy for handling the matter.

11.9 Will this information be kept on my file?

No information will be kept on your file regarding your participation in the case unless you are directly involved e.g. as complainant or as alleged harasser.

12 Appendix 3 – Information for Alleged Harassers

12.1 It is recognised that being accused of bullying and/or harassment can be a very difficult experience. This policy contains information which should assist you in understanding your rights, responsibilities and entitlements should this situation arise.

12.2 How will I know if there is a complaint?

- i. Generally a student or staff member will have spent a considerable amount of time deciding on whether to make a complaint and whether they want it progressed informally or formally.
- ii. Based on this decision, you may be contacted in a number of ways. For example, if a person has chosen the informal path, you may be contacted by the person

themselves or by a contact person such as a tutor or a staff member. The contact person will explain their role and the problem that has arisen. The complainant may seek a private meeting with you to discuss the problem informally rather than making a formal complaint.

- iii. If a support person/tutor has contacted you, this generally means that the complainant may not have felt comfortable contacting you directly themselves. If you do not recall the incident or feel that it was not the intention to cause offence you should discuss this with the support person/tutor. It is likely that they will discuss with you the impact that the incident has had on the complainant (the effects of bullying and harassment are outlined earlier in this policy). This gives you an opportunity to reflect on the incident/s and discuss them with the support person/tutor and agree a course of action.
- iv. If you are contacted by an Investigator it is clear that a formal complaint has been made in writing by a person to the Registrar or Manager, Human Resources. If this is the case, you will receive a copy of the complaint in writing. (Please see investigation and formal procedure sections outlined in this document.

12.3 How much Confidentiality exists?

Confidentiality is critical in this situation, to protect all parties. It is recommended that you do not speak about the issue to anyone other than a tutor or a trusted colleague.

12.4 From whom can I seek advice and support?

This is an important part of the process. In the first instance you can contact a tutor or a colleague. This person's role is to offer advice and support and perhaps to represent you.

12.5 Have I a right to Representation?

During any investigation process you will be entitled to representation e.g. tutor or a colleague.

12.6 What are the usual do's and don'ts?

- i. Do seek support;
- ii. Do watch your stress levels and seek help;

- iii. Do consider the options given to you e.g. the informal approach or mediation or the formal approach;
- iv. Do not approach the complainant, unless in relation to professional matters;
- v. Do not enter into discussions with others – maintain confidentiality.

12.7 Will I be protected from victimisation?

MIE will, at every opportunity, seek to protect all of the parties involved from victimisation and from any negative impact on their day to day study/work. It is accepted that professional interaction in relation to normal working matters is essential during the process. It is expected that all parties will act in a courteous and respectful manner.

12.8 What is involved in the Investigation stage?

An investigator will be appointed to hear the complaint. You will be given a copy of the complaint and given the chance to fully respond. You will be asked to respond in writing. Meetings may be held in order to clarify the situation verbally. Please see the section above on Investigation for further information.

12.9 What information will be held on my file and who will know?

No informal complaints will be held on file. If a formal complaint is made and the complaint is upheld, copies of the complaints, notes of meetings, outcomes, etc. will be held on your file and can be accessed by yourself and yourself only. If the complaint is not upheld all notes of meetings, complaints, etc. will not be held on your file.

12.10 Will there automatically be disciplinary action?

No. Cases are not prejudged. A full investigation will be held and only where appropriate will disciplinary procedures be initiated. The disciplinary hearing will be, in the main, held by someone other than the investigators.

13 Appendix 4 – Mediation Information

13.1 MIE supports the use of mediation as an alternative method of resolving complaints.

Mediation is an informal process, through which a mediator helps the parties in a dispute to talk about the issues between them and, if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and both parties must be willing to take part and agree to the appointment of a mediator. If the parties agree to this approach, MIE will appoint a neutral and impartial mediator, agreeable to both the parties, to facilitate the process. The person appointed will be an experienced trained mediator.

13.2 What is the role of the mediator?

13.2.1 The mediator has several functions:

- i. To set up, and have signed, the terms of reference with the parties;
- ii. To set up the meetings and venues;
- iii. To provide an environment where it is easy for students and staff to discuss the issues at hand in an open manner;
- iv. To facilitate the discussions;
- v. To facilitate the parties agreeing the issues for discussion and finding solutions;
- vi. To mediate with the parties in the finding of a resolution;
- vii. To maintain confidentiality.

13.2.2 The mediator will not hand down a solution and will not make decisions for the participant. The mediator is independent and neutral and will not ‘take sides’, because the mediator is in charge of the process but not the outcome.

13.3 What is the Role of other parties?

To volunteer for mediation and to sign the contract/terms of reference, participants:

- i. Will fully engage in the process in order to fully understand the issue(s) and to genuinely attempt to find a resolution which can be acceptable to all;
- ii. Be as open and as honest as possible during the mediation sessions;
- iii. Provide information where necessary to move the process forward;
- iv. Work with the mediator;

- v. Maintain confidentiality.

13.4 How does the process work?

The steps involved are as follows:

- i. Incident/Issue arises;
- ii. Student or staff member contacts tutor/colleague, and perhaps mediation is suggested / recommended;
- iii. The nomination of an appropriate mediator is discussed;
- iv. The decision is made about who will notify the other party;
- v. The mediation is set up in consultation with the alleged offender.

13.5 Where are the meetings held?

The meetings need to be held in a quiet private space.

13.6 What is the time-frame?

13.6.1 From the time both parties agree to engage in mediation the first meeting should be arranged as quickly as possible. This depends on diary management but it is anticipated that within two weeks would be a reasonable time frame.

13.6.2 Mediation sessions can last between 1.5 hours to 3 hours, and there could be up to 3 sessions, depending on the complexity of the issues.

13.6.3 Where it is an issue, the mediator will discuss with the necessary parties e.g. Registrar or Manager, Human Resources how absence from lectures/duty during mediation can be arranged without breaking confidentiality.

13.7 Can I be assured of confidentiality?

13.7.1 Matters discussed in the process are confidential and 'without prejudice' and the participants agree not to compel the mediator to divulge any matters discussed at mediation at any other forum including legal claims.

13.7.2 Participants must maintain confidentiality on matters discussed during mediation.

13.7.3 Any written outcomes or notes will be agreed by all the parties.

13.7.4 No information will be held on the person's record about a mediation unless with the agreement of the parties involved.

13.8 Is feedback provided?

There is no feedback to MIE other than a mediated solution has / has not been found. From time to time parties might consider it essential to give or provide feedback to another person (tutor/ colleague) about specific matters arising during a mediation. This should be discussed and agreed in the mediation process.

13.9 Outcome – what if no resolution is found?

If there is no resolution found it is up to the parties to decide their next course of action. They can agree to leave the matter aside, to raise as a grievance or through other Institute policies. This would be through the Head of Department.

13.10 Cost

There is no cost to the students or staff involved in the mediation.

14 Appendix 5 - Sources of Help

Sources of Help - The following sources of help are available to you:

For Students

14.1 Your Tutor²¹

- i. You will most likely have met your tutor during your Induction Programme.
- ii. If you are unsure who your tutor is, please e-mail Registrars@mie.ie.

14.2 The Registrar (01 805 7722 or 7722 on internal phones or Registrars@mie.ie)

14.3 The Assistant Registrar (01 853 5133 or 5133 on internal phones or shauna.cassidy@mie.ie)

14.4 The [Student Counselling Service](#), marinocounselling@mie.ie, (Trinity [Counselling Service](#), 01 896 1407, student-counselling@tcd.ie)

²¹ See [Tutor System Policy](#) and [Tutor System Procedure](#)