

Policy Name: Dignity and Respect Staff

Policy Title:	Dignity and Respect Staff Policy
Description:	This policy sets out its aims and its intent as it outlines the responsibilities of all MIE staff members of the campus to participate in creating a positive and tolerant environment.
Author (Position):	Director of Human Resources
Version:	1.0
Approved By:	MIE Governing Body
Policy Approval Date:	February 2026
Date of Next Policy Review:	June 2027 (or as necessary)

1. Context

One of Marino Institute of Education's ("MIE") guiding principles is to establish and maintain a working environment that is person centred and respectful of individual differences. MIE is committed to ensuring an environment that is supportive of and conducive to excellence at work for all members of staff in a respectful, positive and safe environment.

All MIE staff have the responsibility to foster and maintain a high degree of courtesy, dignity, respect, tolerance and sensitivity towards their colleagues and community members as they work and socialise together.

In particular, MIE nurtures and promotes a collegiate environment for its staff and other community members which is free from bullying, harassment and sexual harassment. This does not affect academic freedom, the values of free open enquiry and discussion of ideas or humour.

In exceptional circumstances MIE may deviate from this Dignity and Respect Staff Policy (the "Policy") where it determines it appropriate to do so.

2. Purpose

This Policy sets out to achieve the following:

- To state clearly that MIE expects staff to have dignity and respect towards all people they engage and interact with in the course of their work;
- To highlight staff members' responsibility to promote an environment in which diversity is respected;
- To support good communications amongst all staff members and to set standards of behaviour which are acceptable within MIE or at external events, including social events, where staff are representing MIE;
- To set out the individual responsibility of every employee in making themselves aware of this Policy and in implementing it;
- To provide guidance to staff on appropriate and respectful methods of resolving conflicts and disagreements;

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- To empower MIE staff to resolve interpersonal issues and issues related to dignity and respect using informal resolution methods and mediation as early as possible if it is appropriate;
- To raise awareness on the prevention of bullying, harassment and sexual harassment;
- To raise awareness of the effects of bullying, harassment and sexual harassment on individuals, the community and the work environment;
- To promote a climate in which staff members feel able to raise complaints of bullying, harassment or sexual harassment without fear of retaliation or victimisation;
- To set out processes for addressing complaints of bullying, harassment and sexual harassment which uphold the rights of both the complainant and the person against whom the allegation is made (the “respondent”) as outlined in the Employment Equality Acts 1998—2015 (the “**EEA**”), the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work 2020 (the “**2020 Code**”) and the Code of Practice on Sexual Harassment and Harassment at Work 2022 (the “**2022 Code**”).

3. Scope

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

- MIE campus;
- The campus of any other institution or place where staff are representing MIE, including work placement sites;
- 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;
- In writing, by telephone, online calls and meetings, by email, on social media or on any other part of the internet in any MIE-related activity;
- This Policy will be widely publicised, and its content made known to all staff members through the MIE website and other communication channels. All new members of

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staff will be informed of the existence of this Policy during induction.

4. Definitions

4.1 What is Bullying?

This Policy adopts the definition of bullying as outlined in the 2020 Code:

“Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could be reasonably 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, is not considered to be bullying.”

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.

Examples of Bullying:

- Verbal abuse/insults and name calling;
- Being treated less favourably than colleagues in similar roles;
- Persistent unjustified criticism and sarcasm;
- Exclusion with negative consequences;
- Being treated less favourably than colleagues;
- Belittling a person’s opinion;
- Disseminating malicious rumours, gossip or innuendo;
- Socially excluding or isolating a person within the workplace;
- Public or private humiliation;
- Shouting at workers in public and/or in private;
- Sneering;
- Humiliation;
- Instantaneous rage, often over trivial issues;
- Unfair delegation of duties and responsibilities;

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- Setting impossible deadlines or repeatedly manipulating a person's job content and targets;
- Unnecessary work interferences;
- Excessive monitoring of work;
- Making it difficult for workers to have access to necessary information or withholding information necessary for the proper performance of a person's job;
- Undermining behaviour;
- Blaming a person for things beyond their control;
- Aggression or use of aggressive or obscene language;
- Menacing behaviour;
- Not giving credit for work contribution;
- Continuously refusing reasonable requests without good reasons;
- Intimidation and threats in general; and
- Intrusion – pestering, spying or stalking.

This list is not exhaustive.

Examples of behaviour not considered bullying include:

- A one-off incident;
- Expressing differences of opinion strongly;
- Offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome;
- Ordinary performance management;
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing a worker's performance, taking reasonable disciplinary actions, or assigning work); or
- Workplace conflict where people disagree with or disregard the others' point of view.

4.2 What is Harassment?

This Policy adopts the definition of harassment as outlined in the EEA:

“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”.

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The following are nine discriminatory grounds set out in the EEA:

- **Gender:** A man, a woman, a non-binary person or a transgender person;
- **Civil 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, asexual or heterosexual
- **Religion:** Different religious belief, background, outlook or none;
- **Age:** This applies only to persons aged 16 and over;
- **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.

Harassment may consist of a single incident or repeated inappropriate behaviours. Many forms of behaviour may constitute harassment including:

- Verbal harassment (jokes, comments, ridicule);
- Written harassment (text messages, emails, notices);
- Physical harassment (gestures, threatening poses, any form of assault, unnecessary touching);
- Intimidatory harassment (gestures, posturing or threatening poses);
- Visual displays (posters, emblems, badges);
- Isolation or exclusion from work-related social activities;
- Pressure to behave in a manner that the person thinks is inappropriate (being required to dress in a manner unsuited to a person's ethnic or religious background).

This list is not exhaustive.

4.3 What is Sexual Harassment?

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The EEA defines sexual harassment as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature” which has the “purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person”.

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.

Examples of Sexual Harassment:

- Verbal: unwelcome sexual advances, suggestive jokes and innuendo, requests for sexual favours, threats;
- Non-verbal or indirect: sexually suggestive pictures or written material, leering or gestures, spreading rumours about a person’s sexual behaviour or orientation;
- Electronic: sexually suggestive messages or images transmitted by computer or other electronic means;
- Physical: any unwelcome physical contact, up to and including assault.

The above examples of sexual harassment are not exhaustive and any behaviour of a similar nature may also be dealt with under this Policy. The legislation concerning sexual harassment applies to incidents of a sexual nature between individuals of the same sex as well as between those of different sexes.

5 The Effects of Bullying, Harassment, and Sexual Harassment

Bullying, harassment and sexual harassment can affect many aspects of MIE life and all concerned – the individual being bullied, harassed or sexually harassed of course, but also team members, colleagues, others in the organisation and the person being accused of bullying, harassment or sexual harassment. It effects an individual’s dignity and wellbeing, for example, there can be:

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- Damage to morale;
- Reduced performance and lower productivity;
- Culture of fear;
- Anxiety;
- Depression;
- Damage to self-esteem;
- Mental ill health;
- Loss of respect;
- Loss of confidence;
- Increased absenteeism and ill health;
- Poor services to students and staff;
- Damage to MIE's reputation if motivation or efficiency is impaired.

6 Contact Person

6.1 The Institute has appointed the Human Resources Business Partner to fulfil the role of "Contact Person" within the Institute. The role of the Contact Person is to be supportive and provide information and guidance on this policy only. The Contact Person will have no role in the investigation of any complaint of bullying, harassment or sexual harassment. Appropriate support may also be provided confidentially through MIE's Employee Assistance Programme by contacting Inspire at 1800 201 346 or support@lenabyinspire.com

6.2 Staff who are members of a recognised trade union may also wish to speak to their trade union representatives.

7 What do I do if I have been accused of bullying, harassment or sexual harassment?

7.1 Being the subject of a complaint can be upsetting and may leave you feeling vulnerable and alone. It can be helpful to talk to someone about what is happening. An employee accused of bullying, harassment or sexual harassment may seek support or advice from

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a Human Resources Representative.

7.2 Appropriate support may also be provided confidentially through MIE's Employee Assistance Programme by contacting Inspire at 1800 201 346 or support@lenabyinspire.com Staff who are members of a recognised trade union may also wish to speak to their trade union representatives.

8 Informal Process

8.1 Initial Informal Voluntary Process

MIE is aware of and recognises the effect that bullying, harassment or sexual harassment can have on its workers. However, where it is safe and appropriate to do so, MIE is of the view that an informal approach to solving matters can often be effective, including mediation (see section 10 below). In the first instance, an attempt can be made to address an allegation of bullying, harassment or sexual harassment on an informal basis through the procedure set out below.

1. If the complainant believes they are being bullied, harassed or sexually harassed, and if they feel comfortable in doing so, the complainant should explain clearly to the respondent that they find their behaviour in question to be unacceptable. The complainant should provide to the respondent as much detail as possible about the subject matter of their complaint (dates, times, witnesses etc.).
2. It may be more suitable for the complainant to put their concerns in writing to the respondent focusing on the alleged offending acts and the effects they have on them.
3. Where the concerns relate to an immediate manager, the complainant may wish to discuss the matter informally with their manager's manager or a person at the next level of management.

The focus of the Initial Informal Process is to seek to resolve the matter informally by agreement without recourse to any other step. An informal discussion is often sufficient to alert the respondent to the effects of the behaviour alleged and can lead to a greater understanding and an agreement that the behaviour will stop. It can also lead to an explanation of the original intention of the behaviour and/or an agreement to modify the behaviour. On the other hand, it may be that the behaviour is valid and reasonable, and the reaction of the complainant is at odds with the generally accepted understanding of the behaviour.

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A brief high level written record should be kept of the matter and agreed outcomes and dates noted by any person responsible for managing the complaint.

If the Initial Informal Process is unsuccessful or if the complainant or MIE deems it appropriate due to the seriousness of the issues, the Secondary Informal Process may be initiated:

8.2 Secondary Informal Process

1. MIE will nominate an appropriate person to deal with the complaint on behalf of MIE.
2. The complainant should refer their complaint to the nominated person verbally or in writing giving concrete examples of the alleged inappropriate behaviour, the dates of any such incidents and details of witnesses, where possible. If given verbally, the nominated person will take a note of the complainant's complaint and a copy of which will be provided to the complainant.
3. The nominated person will deal with the complainant's complaint on behalf of MIE by establishing the facts, the context of the complaint and the next course of action in dealing with the matter under the informal procedure.
4. If the complaint concerns alleged bullying, harassment or sexual harassment (as defined), and includes concrete examples of inappropriate behaviour; the respondent will be presented with the complaint and their response established.
5. Thereafter a method will be put in place to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying, harassment or sexual harassment being a factor. Steps to stop the alleged bullying, harassing or sexual harassing behaviour, where it has been partly or fully identified, and monitoring of the situation along specified lines will be implemented with both parties, if appropriate in the circumstances. This may involve a direct or indirect approach and possible resolution through a programme to change behaviour.
6. MIE may consider if other working arrangements are required or feasible during this short-term phase – this will not always be required or feasible and any decision in this regard will be at the discretion of MIE.
7. A proposal in terms of how to deal with the issue should be made, considered, and an action and time frame established, signed and dated, preferably by both parties.

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8. The nominated person will keep a record of all stages including: the complaint, the first meeting, action agreed and signed records of the final meeting. Such records will be retained in line with MIE's Data Retention and Privacy Policies.
9. The relevant Head of Department will be kept informed, as appropriate, about the process in train.
10. If the behaviour complained about does not concern alleged bullying, harassment or sexual harassment (as defined), an alternative approach will be put in place and a rationale recorded.

8.3 Closure of Informal Process

The following are the most likely outcomes of the Informal Process:

- In many situations, with the co-operation of all parties, the matter can rest here.
- In some cases, additional support or periodical reviews may be appropriate.
- Where a complaint has been assessed as vexatious, the matter may be progressed through the disciplinary procedure.
- Initiation of the Formal Process

9 Formal Process

9.1 Formal Complaint

1. To begin with, the complainant should make a formal complaint in writing. The formal complaint should be signed and dated and given to the immediate supervisor or a member of management. Where this is not possible, a written record should be taken of the complaint by HR or the person assigned by the employer and signed by the complainant and dated. The formal complaint should be confined to concrete examples of the alleged bullying, harassment and/or sexual harassment, the dates of any such incidents and details of witnesses, where possible.
2. The respondent will then be notified in writing that an allegation of bullying harassment and/or sexual harassment has been made against them. The respondent will be given a copy of the complaint, any relevant documents, including a copy of this policy, and advised that they will be afforded an opportunity to respond to the allegation(s).
3. The complainant and the respondent will be advised of the aims and objectives of the

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Formal Process, the procedures and indicative timeframe involved, and the possible outcomes. Both parties will be assured of support as required throughout the process. These overall timeframes will be adhered to as far as is reasonably practicable.

9.2 Investigation

1. One or more designated members of management (or a person appointed by management) will be responsible for carrying out an investigation into the complaint. The scope/terms of reference of the investigation should indicate that the investigator will decide based on the information before them whether the action(s)/event(s) complained of may have occurred. The investigator should not uphold or dismiss the allegations and/or suggest or impose sanctions.
2. MIE will outline the terms of reference for the investigator and an indicative timeframe for the investigation. If MIE considers it appropriate to do so, MIE reserves the right, at its discretion, to appoint or engage an external third party to conduct the investigation.
3. The investigator will meet the complainant, the respondent and any witnesses, as part of the investigation. Statements from all parties, including witnesses, will be recorded in writing. Copies of the person's own statement will be given to those making statements. The complainant and the respondent will receive copies of all statements.
4. The complainant and the respondent may be accompanied at any meetings under the Formal Process by a colleague or trade union representative. MIE reserves the right to refuse the chosen representative's attendance at the meeting where, for example, in the reasonable opinion of MIE his/her attendance would hinder the effective running of the meeting. The complainant and the respondent will be given the opportunity to change their chosen representative.
5. All parties will continue to work as normal during the investigation, unless directed otherwise. Where appropriate, and at the discretion of MIE alternative working arrangements may be put in place or a party to the complaint may be suspended on full pay, if appropriate. Any such suspension is not a disciplinary sanction.
6. Once the investigation is complete:
 - a. The investigator will decide based on the information before them whether the action(s)/event(s) complained of may have occurred.

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- b. The investigator will produce a draft written report outlining the details of the complaint, the response of the respondent, and summarising the information gathered during the investigation, his/her findings and the reasons for his/her such findings.
- c. The complainant and respondent will be given an opportunity to comment on the draft report within five working days for the purpose only of correcting any factual or other inaccuracies in advance of the report being finalised by the investigator.
- d. If the investigator concludes that the respondent has a case to answer and the action(s)/event(s) occurred, then the investigator may recommend a response such as that MIE invokes the disciplinary procedure. MIE may also decide to invoke the disciplinary procedure if it believes it is appropriate to do so. Any decision in relation to invoking the disciplinary procedure is at the discretion of MIE.
- e. MIE will communicate its decision in relation to the investigator's findings to both the complainant and respondent.

9.3 Appeal

The complainant or the respondent may appeal the outcome of the Formal Process to the President of MIE, or their nominee, in writing within five working days of MIE's decision. The reasons for the appeal should be set out in writing. The appeal may be dealt with in writing only or alternatively be heard by an appropriate person (not the original investigator) as MIE may decide. For the avoidance of doubt, the appeal is not a re-hearing of the original issues, it will focus on any issues which the complainant/respondent has with the conduct of the investigation in terms of fair process and adherence to procedure. The outcome of the appeal will be final.

9.4 Closure of Formal Process

- MIE may decide to take action to include counselling, monitoring, mediation and/or invoking the disciplinary procedure.
- If bullying, harassment or sexual harassment may have been perpetrated by a non-employee of MIE, MIE will decide, on foot of the investigation report, what appropriate action should be taken.

Note that MIE will not tolerate frivolous and vexatious allegations of bullying, harassment or

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sexual harassment and may invoke the disciplinary procedure against the complainant if it believes that allegations made may have been deliberately malicious. This will not be the case where a complaint is made in good faith.

10 Mediation

Mediation is an alternative method of resolving issues relating to bullying, harassment and sexual harassment and can be availed of at any stage in the process. Mediation involves the parties seeking to arrive at a solution through mutual agreement, rather than through an investigation.

Mediation provides a confidential opportunity for the person who feels that he/she has been bullied, harassed or sexually harassed and the person(s) accused of carrying out this inappropriate behaviour to discuss the matter and to reach an agreement on their continuing working relationship. Mediation is conducted in private, and is directly between the parties concerned, with the support of a mediator, who will act as an independent facilitator. Either party may withdraw from the process at any time by notifying the mediator, in writing, that they wish to do so.

If both parties agree to resolve the issue by mediation, MIE will arrange the mediation process. An appropriate person, acceptable to both parties, from within or outside MIE will be assigned as mediator.

Information disclosed in the course of mediation (or any other similar process) must remain within the mediation process and will not be given by the mediator to anyone, including an investigator if there is a subsequent investigation at the formal stage. Confidentiality is crucial for this stage to be effective and breaches of confidentiality, where exposed, may result in disciplinary action.

If the mediation process results in an agreement acceptable to both parties, the mediator will draw up a written record of the terms of the settlement for signature by both parties.

If mediation breaks down or fails to achieve its goal, the matter can be processed through the other stages of this procedure. The person involved in the mediation process will not be involved in the investigation process.

11 Confidentiality

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Confidentiality by MIE and all those involved in the process as outlined in this policy should be maintained to the greatest effort consistent with the requirements of a fair investigation. A breach of confidentiality may result in disciplinary action.

12 Retaliation against a complainant

Any victimisation of, or retaliation by another worker against a complainant, a worker supporting a complainant, or a worker who gives evidence regarding the allegation of bullying, harassment or sexual harassment, may result in disciplinary action up to and including dismissal. MIE will not take action against a worker because he or she, in good faith, reports or participates in the investigation in accordance with this policy.

13 Malicious/false claims

Where it is believed that there is an abuse of the policy by bringing forward malicious, intentionally exaggerated or knowingly false claims, MIE's disciplinary procedure may be invoked against a complainant, which may result in disciplinary action up to and including dismissal with or without notice.

14 Monitoring and Support

MIE will continue to monitor the situation after a complaint has been made to ensure that the inappropriate behaviour does not recur. MIE is committed to ensuring that all parties are supported during and in the aftermath of a complaint and investigation. In some circumstances this may involve counselling.

15 Review

In exceptional circumstances MIE reserves the right to make any changes and amendments to this policy that it considers necessary at its sole discretion.

16 Related Documents

- Employment Equality Acts 1998-2015
- Equality Status Acts, 2000-2012
- Health, Safety and Welfare at Work Act, 2005
- Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work 2020

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- Code of Practice on Sexual Harassment and Harassment at Work 2022
- Employment Equality Act, 1998 – 2015
- Disability Act 2005
- MIE Disciplinary Policy
- MIE Records Retention Schedule

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Appendix 1 - Information for Witnesses

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 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 a Head of Department, manager, a Human Resources Representative or contact MIE's confidential Employee Assistance Programme. Staff who are members of a recognised trade union may also wish to speak to their trade union representatives.

2. Information about a complaint

The witness will be given very little information with regard to the content of the complaint. The only information you will receive is around the 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.

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 colleagues or the complainant or respondent.

4. What evidence should I give?

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

5. Do I get copies of my statements?

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

6. Is there protection from victimisation?

Staff members who have agreed to go forward as a witness or have given evidence in

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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.

7. What support is available?

Staff members may find it stressful to be a part of this process. If you wish to seek support, you can contact the Human Resources department or **appropriate support may be provided confidentially through MIE's Employee Assistance Programme by contacting Lean By Inspire at 1800 201 346**. They will talk you through the issues at hand, endeavour to help relieve the stress, and will work with you throughout the matter.

8. 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 respondent.

9. How will complaints or responses through the medium of Irish Language be facilitated?

Every effort will be made to facilitate the process through the medium of Irish, through the medium of English and bilingually.