

Waterford Academy Of Education

Bullying & Harassment Policy

Introduction

Waterford Academy of Education (WAE / the Academy) is committed to providing a safe working and learning environment in which all employees and students have the opportunity to fulfill their potential with dignity.

Such an environment should be free of all forms of bullying, harassment and discrimination. The scope of this policy extends beyond the physical confines of the school e.g. staff attendance at conferences as part of their terms of employment, attendance at work related social events.

It is recognized by the Academy that bullying, harassment and discrimination in the working or learning environment can seriously damage a person's mental and physical health and well being.

Accordingly, the Academy will regard any complaint of alleged bullying, harassment or discrimination as a serious matter which could, if substantiated, lead to disciplinary procedures being invoked

This policy applies to all staff and students of the Academy and all visitors and contractors and to all Academy events and activities.

In formulating this policy Waterford Academy of Education has had regard to the Equality Authority Code of Practice on Sexual Harassment and Harassment at Work 2002, the Health and Safety Authority Code of Practice on the Prevention of Workplace Bullying 2002 and the Labour Relations Commission Code of Practice Detailing Procedures for Addressing Bullying in the Workplace 2002.

Definitions

Harassment is defined as any act or conduct which is unwelcome and reasonably regarded as offensive, humiliating or intimidating by reference to the 9 statutory grounds namely, gender, marital status, family status, sexual orientation, religion, age, disability race (including colour, nationality, ethnic and natural origin), traveller community membership including but not limited to spoken words, gestures, or the production, display or circulation of written material or pictures. It is important to remember that the term 'harassment' describes unfair or prejudicial behaviour, decisions or assessments. It does not include fair and reasonable feedback on performance or addressing issues of staff or student misconduct or poor performance in a positive manner.

Bullying is a type of harassment comprising 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 reasonably be regarded as undermining the individual's right to dignity at work.

Some examples of bullying are:

- Picking on people and criticising them in front of others;
- Punishing people by refusing to delegate responsibilities to them which they are competent to fulfil;
- Unfounded criticism of the performance of work tasks;
- Horse play or other unwanted physical contact;
- Shouting at people to get things done;
- Bullying does not include fair and reasonable feedback on performance or addressing issues of staff or student misconduct or poor performance in an appropriate manner.

Sexual harassment involves unwanted sexual attention which emphasizes sexual status over status as an individual, colleague or student. It is most often found in relationships of unequal power or authority as in staff / student, manager / employee although it can also take place between peers. Sexual harassment can be physical, ranging from suggestive looks to indecent assault or rape, or verbal, ranging from belittling or suggestive remarks and compromising invitations to aggressively foul language or unwanted requests or demands for sex, or displays of sexually suggestive or degrading pictures, including images, text and messages on computer

Racial harassment may be defined as any hostile or offensive act or expression by a person of one racial or ethnic origin against a person of another, or incitement to commit such an act. Such behaviour includes derogatory name-calling, insults and racist jokes, racist graffiti, verbal abuse and threats, physical acts, ranging from gestures to attack, and ridicule of an individual for cultural or linguistic differences. Racial harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, for study or for social life. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial harassment by one person may not seem so to another.

Awareness

The Academy will:-

- Communicate this Policy to all students and employees and ensure that those with responsibilities for students and employees are aware of their responsibilities under it;
- Ensure that complaints of alleged bullying, harassment or discrimination are dealt with promptly, seriously and with an appropriate level of sensitivity and confidentiality;
- Provide specific and appropriate training for those involved in the operation and implementation of this Policy;
- Review the effectiveness of the policy and procedures regularly.

Action if you are harassed, bullied or discriminated against

All members of the WAE community have a right to make a complaint if they feel they have been harassed, bullied or discriminated against. This complaint should be made to your supervisor or manager, if you are a staff member. If you are a student you could approach your teacher or the Director of Studies.

1. Internal Procedures:

- The Informal Procedure. As a general rule, an attempt should be made to address an allegation as informally as possible. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved. Attempting to use the informal procedure does not preclude you from using the other options open to you. A more detailed explanation of the informal procedure is given in the Academy's Grievance and Conflict Resolution Procedure.
- Mediation. Workplace mediation is a means of resolving disputes by taking the matter to a third party- the mediator. The process requires the voluntary participation and co-operation of both parties. The mediator is an independent facilitator, from outside WAE who is trained in such matters. Either party can withdraw from this process at any time. Successful mediation results in an agreed solution. Again, if mediation fails a complainant has the right to invoke the formal procedure
- The Formal Procedure. If an informal approach or mediation is inappropriate or if the matter cannot be resolved by the informal procedure or mediation, the formal procedure may be invoked. A more detailed explanation of the formal procedure is given Academy's Grievance and Conflict Resolution Procedure.

2. External Procedures

- Equality Tribunal. Complaints may also be made to the Equality Tribunal. These complaints must be made within six months of the alleged offence(s) being committed. The equality tribunal can utilise mediation (as described

above) or else appoint an investigator who will call a hearing, conduct an investigation and issue a decision. Either party can appeal such a decision to the Labour Court.

- b) Legal Redress. Please note that nothing in this Policy prevents you from exercising your legal rights at any time. A description of these is beyond the scope of this policy. If you intend legal redress you are advised to consult a solicitor.

Guidelines for people who have been subjected to bullying, harassment or discrimination.

While in no way diminishing the issue or the effects of harassment, sexual harassment, bullying or discrimination on individuals, an informal approach can often resolve matters. Most recipients of harassment simply want the bullying or harassment to stop.

The suggested steps involve:-

- Seek information. There is excellent information available on the Equality Authority Web Site;
- Keep a record of the incidents. This is important. Later on, you may need to recall what has happened to you. Make an accurate record of the date and time of any incidents, and of the name of anyone who was around at the time and might have seen what happened;
- If possible make it clear to the person that you object to their behaviour. You can arrange to meet the person and explain, simply and directly, that you find certain behaviour unwelcome or offensive and that if the behaviour or similar behaviour is repeated you may have to make a formal complaint. Where it is too difficult or embarrassing for you to do this on your own behalf, you could be accompanied by a third party such as a friend or colleague, while you speak directly to the person you feel is harassing or bullying you;

Another approach, if you do not want to face the person, is to put your concerns in writing. Explain what it is about the behaviour that is upsetting you and ask for it to stop. State clearly that this letter is part of the informal procedure under the WAE Bullying and Harassment policy. If you decide to tackle the problem by writing to the person you should keep a copy of the letter or memo and any response;

The responses to your complaint by the alleged wrongdoer can range from surprise, embarrassment, disbelief, anger, defensiveness, regret etc. You need to be prepared to address these possibilities;

A personal approach or a letter/memo may be effective where someone does not realise that their behaviour has been objectionable to you and the offending behaviour may stop as soon as they are spoken to about it;

- 4. If necessary, seek medical help. If the nature of the harassment is such that it is putting you under stress, or injuring you, or making you unwell, go to

your doctor. You may need a medical report if the matter becomes a formal complaint.

How to respond if an informal complaint is made against you

If someone speaks to you or writes to you indicating that they find some aspect of your behaviour inappropriate, you should take it very seriously. Your immediate response may be to get angry, deny or reject the complaint. Try not to respond in this way; reflect carefully on what is said and take time to consider your response.

If you wish you may seek advice from a friend or the Director of Studies.

While you may have had no intention to bully, harass or discriminate against your colleague, if they perceive your behaviour as unwelcome, threatening or intimidating, you must listen. Where you consider your behaviour has caused offence, unintentionally or otherwise, apologise to the complainant and modify your behaviour accordingly.

Remember that the complaint is being dealt with under the informal procedure and if matters are resolved, no disciplinary action will follow.

If you do not accept the validity of the complaint, you have the right to present your account of the issue to the complainant.

An outline of the formal procedure

Formal complaints may be made where all attempts to resolve the matter informally have failed or where the conduct is deemed too serious for the informal route. By its nature, bullying or harassment may make the normal channels of complaint difficult to use because of embarrassment, fears of not being taken seriously, fears of damage to reputation, fears of reprisal or the prospect of damaging the working or learning environment. When a formal allegation of bullying, harassment or discrimination is made, WAE will handle the matter with a suitable level of sensitivity. The reputation of all interested parties will be protected insofar as possible. This demands confidentiality by all parties; disclosure will be on a need to know basis only.

The decision to make a formal complaint is a very serious one for all concerned and should not be taken lightly. Any complaint, whether upheld or not, is likely to adversely reflect on the reputation of the person against whom the complaint is made.

Malicious or unfounded complaints or breaches of confidentiality will be treated as disciplinary matters.

In view of the seriousness of a formal complaint, a person who is considering this route is strongly advised to discuss it in advance with his/her solicitor.

When a written formal complaint is made, the Executive Directors of WAE will need to consider whether any party should be suspended from all or part of his/her

duties or requested not to attend the Academy on a voluntary basis, pending this investigation. This decision will be based on the seriousness of the complaint and the protection of all parties - the complainant, the witnesses and the person against whom the allegation has been made.

Investigation: The first step by the Executive Directors is to commission a full investigation to establish the facts. This should happen within 7 days of receipt of the formal written complaint.

This investigation will be carried out by a neutral person, nominated by either IBEC or Waterford Chamber of Commerce. WAE will bear the cost of the investigation and hearing.

The person the alleged harasser will be informed of the allegation in writing and will be given an opportunity to respond in writing and to meet the Investigator.

The Investigator will also interview the person making the complaint and any witnesses.

Confidentiality and discretion will be applied during the investigation.

The Investigator will provide a written report to the Directors of WAE.

The Directors will establish a **Review Committee**.

- ✓ It will be chaired by one of the Directors.
- ✓ It will comprise 3 members, selected from the academic community in Waterford. If the alleged harasser is a student, at least one member will be a student.
- ✓ The Investigator will not be a member, but will be in attendance.
- ✓ An audio recording will be kept if all parties agree. If this is not agreed, the Investigator will keep a written record of the proceedings.
- ✓ The Complainant and the alleged Harasser, having a copy of the Investigator's report at least one week prior to the hearing, will meet the Review Committee on an agreed date.
- ✓ Parties are entitled to bring a friend or union or legal representative.

The Review Committee will determine whether the complaint is :-

- ✓ Valid
- ✓ Invalid
- ✓ Insufficient Evidence to reach a conclusion
- ✓ Malicious

The WAE Directors will advise both parties of the outcome.

In the event that a complaint is found to be valid, then appropriate action will be taken. This may include the following.

- ✓ Disciplinary action to immediately stop the harassment and prevent a recurrence.
- ✓ Counselling for both parties.
- ✓ Sanctions. These may include verbal warnings, written warnings, fine or dismissal.

If the complaint is deemed to be malicious, sanctions will apply.

Appeals

If either party is dissatisfied with the outcome of the Review Process and subsequent actions, they have the right of appeal.

This must be lodged in writing within 30 days of the hearing.

The Directors of WAE will commission an external HR expert to review the concerns and adjudicate and advise.