



NUI Galway
OÉ Gaillimh

Policies and Procedures

Code: QA132
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Policy Statement

NUI Galway (hereafter referred to as 'The University') is committed to creating an environment that proactively promotes dignity at work. All staff have the right to do their work, research and study in an environment that is free from harassment or sexual harassment.

All staff have the right to be treated with dignity and respect. Harassment and sexual harassment can have a devastating impact on health, confidence, morale and performance of those affected by it. It may also have a damaging impact on employees who are not themselves the object of unwanted behaviour but who are witness to it or have a knowledge of the unwanted behaviour. It may also have an impact on the economic efficiency of the enterprise where employees' productivity is reduced by having to work in a climate in which the individual's integrity is not respected.

Management have a responsibility to ensure such behaviour is not tolerated. Any staff member who experiences harassment or sexual harassment will be fully supported by the University in bringing such unacceptable behaviour to a close.

All allegations of harassment or sexual harassment will be dealt with in a fair, sensitive and confidential manner. Complaints will be progressed promptly, and the cooperation of all parties involved in a complaint must be given to ensure progression of the matter in a timely manner. This policy emphasises the importance of an informal resolution where possible and highlights the use of mediation and other tools as appropriate when dealing with complaints of harassment and sexual harassment.

Harassment and sexual harassment by staff and non-staff (students, clients, vendors, agency workers contractors and sub-contractors) will not be tolerated, and may result in disciplinary action up to and including dismissal (in the case of staff), or the imposition of sanctions including suspension of contracts or services, or exclusions from the premises (in the case of non-staff).

It is the responsibility of Heads of Schools and Units to lead by example by treating all staff and students with dignity and respect in line with the Staff Code of Conduct. The promotion of awareness of this policy and associated procedures will be the responsibility of Heads of Schools and Units, who will be assisted in this by the Human Resources Office through training and awareness activities.

This policy is based on the Code of Practice on Sexual Harassment and Harassment at Work, issued under the Employment Equality Act 1998. It is compliant with relevant legislation and the Code of Conduct of the University, and is fully committed to the principles espoused in the University's Dignity at Work Charter.

If there is a possibility that a criminal offence has occurred, the complaint should be referred to the Garda Síochána as soon as possible.

Aim of the Policy

The aim of the Harassment and Sexual Harassment policy is to:

- Achieve a work environment where dignity and respect are to the forefront of our values
- Define what is meant by harassment and sexual harassment in the workplace
- Outline how harassment and sexual harassment may be prevented
- Ensure that all reasonable efforts are made by the University to deal with complaints of harassment or sexual harassment
- Raise awareness of the effects of harassment and sexual harassment on all individuals in the working and learning environment
- Promote a climate in which staff members are facilitated to raise complaints of harassment or sexual harassment without fear of reprisal
- Eliminate all forms of harassment and sexual harassment in the workplace

The University is committed to ensuring that all staff are aware of the procedures for bringing complaints under this policy and that no staff member should feel threatened or fearful of raising such issues or giving evidence in proceedings or otherwise supporting a complainant.

Scope

This policy applies to allegations of harassment or sexual harassment, and pertains to all University staff members (including full-time, part-time and agency staff), as well as clients, vendors, contractors and sub-contractors working for or on behalf of the University.

This policy applies to conduct on authorised presence at the workplace. For the purpose of this policy, the workplace includes official field-work, work-related social events, conferences and training, and work in another part of the University campus not normally attended by the individual; this list is not exhaustive.

It is the right of each individual to decide what behaviour is unwelcome. This decision should be made without reference to the opinions or attitudes of others. The impact of harassment and sexual harassment can be devastating, and it can threaten a person's job security or create an intimidating working environment. It can also affect health and personal life generally and have a dramatic influence on an individual's demeanour.

Timelines

The timelines outlined within this code should be treated as a guide. It is in the interest of all parties that complaints are progressed in a timely and efficient fashion in compliance with the timelines in this policy. It is expected an investigation should be completed within 6 months from receipt of the complaint.

Allocation of Responsibilities

All staff members can contribute to achieving an environment free of harassment and sexual harassment through training initiatives and cooperation with management and trade union strategies.

The University

Under this policy, the Heads of Schools and units must make every effort to ensure that harassment and sexual harassment does not occur and that complaints are addressed speedily. In particular, the Heads of Schools and Units will:

- Provide a good example by treating all in the workplace with courtesy and respect
- Promote awareness of the University's policy and complaints procedures
- Be vigilant for signs of harassment and take action before a problem escalates
- Respond sensitively to a staff member who makes a complaint of harassment
- Explain the procedures to be followed if a complaint of harassment or sexual harassment is made
- Offer support through the Employee Assistance Programme (EAP)
- Ensure due process is applied and that an alleged perpetrator is treated fairly
- Ensure that a staff member making a complaint is not victimised before, during or after making a complaint

Trade Unions

The University Management Team (UMT) have facilitated consultation with Trade Unions in the development and implementation of this policy. Trade Unions play a role in the prevention of harassment and sexual harassment in the workplace through their information and training services, and through the collective bargaining process. They may also play a role in providing information, advice and representation to members who have been harassed or sexually harassed, and to employees against whom allegations of harassment or sexual harassment have been made.

Staff Members

Staff members can contribute to achieving a harassment-free environment through co-operation with management and trade union strategies to eliminate harassment and sexual harassment. All staff members must conduct themselves so as to respect the rights of others to dignity in the workplace. It is important to note that harassment and sexual harassment constitutes misconduct, and may lead to disciplinary action up to and including dismissal.

Non-Staff Members

Harassment and sexual harassment by non-staff members such as students, clients, vendors, agency worker's contractors and sub-contractors will not be tolerated and may lead to termination of contracts, suspension of services, exclusion from a premises or the imposition of other sanctions (as appropriate).

Irish Legislation relating to Harassment and Sexual Harassment

The Employment Equality Acts 1998-2005 place an obligation on all employers to prevent harassment and sexual harassment in the workplace or otherwise in the course of employment. The Act prohibits discrimination on nine specific grounds where a staff member must not be treated less favourable manner based on the following grounds:

Gender	man, woman (this also includes transgender).
Civil Status	single, married, separated, divorced, widowed, in a civil partnership within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 or being a former civil partner in a civil partnership that has ended by death or been dissolved.
Family Status	responsibility as a parent or as a person in loco parentis in relation to a person under 18, or as a parent or the resident primary carer of a person over 18 with a disability which is of such a nature as to give rise to the need for care or support on a continuing, regular or frequent basis.
Sexual Orientation	heterosexual, bisexual or homosexual.
Disability	this is very broadly defined in Section 2(1) of the Employment Equality Act and includes most disabilities. "Disability" means— (a) the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body, (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness, (c) the malfunction, malformation or disfigurement of a part of a person's body, (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or (e) a condition, disease or illness which affects a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, and includes a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.
Age	the protection against age-related discrimination (including harassment) in employment applies only to employees over the maximum age at which a person is statutorily obliged to attend school. The minimum school leaving age is currently 16 years, or the completion of three years of post-primary education, whichever is the later.
Race	race, colour, nationality or ethnic or national origins.
Religious Belief	includes different religious background or outlook, (including absence of religious belief)
Membership of Travelling Community	"Traveller community" means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.

Further to this, the Act prohibits discrimination in all aspects of a person's employment, including:

- Access to employment
- Conditions of employment
- Training or experience
- Promotion or regrading
- Classification of posts
- Vocational training
- Equal pay

It may also apply in certain circumstances when the relationship between the individual and the University has ended, for example in the provision of references to the individual upon exiting employment.

Definition of Harassment

Harassment is defined in Section 14a (7) of the Employment Equality Act 1998 as:

Any form of unwanted conduct related to any of the discriminatory grounds, if the conduct has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The discriminatory grounds, for the purposes of the legislation are gender, civil status, family status, sexual orientation, disability, age, race, religious belief and membership of the Traveller community.

The protection of the Act extends to situations where the employee does not have the relevant characteristics related to the discriminatory ground but the perpetrator believes that he/she has that characteristic, for example, if the perpetrator believes the employee is gay and in fact the employee is not. The Act covers harassment committed by an individual's employer or co-workers, and also (in some circumstances) harassment by clients or business contacts of the employer.

Many forms of behaviour, including spoken words, gestures or the display/circulation of words, pictures or other material, may constitute harassment. Harassment can be ageist, sexist, homophobic or racial in form or in undertone, and can offend because of an individual's disability. A single incident may constitute harassment. The following list of examples is illustrative rather than exhaustive:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails, electronic communications or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Excessive monitoring of work
- Isolation or exclusion from social activities
- Unreasonably changing a person's job description or performance targets
- Pressure to behave in a manner that the employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person's ethnic or religious background

The test for harassment is subjective and it is for the individual to decide what is offensive or upsetting to him or her.

Examples of what is not Harassment

- Fair and constructive criticism
- Legitimate and reasonable management responses to crisis situations which require immediate action
- Discipline arising from the appropriate management of staff performance
- Matters arising from the assignment of duties or terms and conditions of employment
- Inappropriate behaviour that is not linked to one of the nine grounds of discrimination

Definition of Sexual Harassment

Sexual harassment is defined in Section 14a (7) of the Employment Equality Act 1998 as:

Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The Act covers sexual harassment committed by an individual's employer or co-workers, and also (in some circumstances) sexual harassment by clients or business contacts of the employer.

Many forms of behaviour can constitute sexual harassment. It includes examples like those contained in the following list although it must be emphasised that the list is illustrative rather than exhaustive. A single incident may constitute sexual harassment.

Physical conduct of a sexual nature — This may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse.

Verbal conduct of a sexual nature — This includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.

Non-verbal conduct of a sexual nature — This may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages, electronic communications or faxes. It may also include leering, whistling or making sexually suggestive gestures.

Gender-based conduct — This includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her gender such as derogatory or degrading abuse or insults which are gender-related. Same-sex sexual harassment is also covered by legislation.

The test for sexual harassment is subjective and it is for the individual to decide what is offensive or upsetting to him or her. An individual's response to harassment cannot be used as the basis for a decision affecting him or her.

Unwelcome Conduct and Intention

In order to constitute harassment or sexual harassment, the behaviour complained of must firstly be unwelcome. It is up to each employee to decide (a) what behaviour is unwelcome, irrespective of the attitude of others to the matter and (b) from whom, if anybody, such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter. The fact that an individual has previously agreed to the behaviour does not stop him/her from deciding that it has become unwelcome. It is the unwanted nature of the conduct which distinguishes harassment and sexual harassment from behaviour which is welcome and mutual.

Further to this, the behaviour must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The fact that the perpetrator has no intention of harassing or sexually harassing the employee is no defence. The effect of the behaviour on the staff member is what is relevant.

Allegations of Harassment based on the Content of Teaching Materials, Artistic Exhibition or Related Matters

It is recognised that those teaching certain subjects such as languages and literature, law, biological or social sciences and medicine must occasionally present and discuss material relating to sex and sexuality, race, ethnicity and other protected grounds and that students may sometimes find this material embarrassing or upsetting.

While teachers are under an obligation not to be gratuitously offensive, they must be protected from unfair allegations of harassment based on the subject matter being discussed. Likewise, it is important that members of the University community have access to art exhibitions, dramatic and cinematic productions, and discussion and debate on a wide range of political, cultural and social issues.

However, it should be noted that the material per se may not be offensive, but the manner in which it is discussed may be. University policy prohibits the gratuitous use of pornographic, racist or other offensive material.

It is recognised that a balance must be struck between preserving the freedoms of expression and intellectual enquiry so vital in a University community and ensuring that those freedoms are not so abused as to leave members of the University feeling sexually, racially or otherwise harassed. It should be noted that, in so far as teachers are concerned, this recommendation applies only to the presentation of materials for academic purposes.

Supports Available

The following support structures are available to staff who wish to discuss or seek further information regarding a potential case of harassment or sexual harassment:

- Support Contact Persons
- Employee Assistance Programme (EAP)
- Human Resources
- Trade Union
- Colleague

If a student is experiencing harassment or sexual harassment, please refer to [QA606](#).

Harassment and sexual harassment can cause severe consequences both short and long term. It is important that those involved seek appropriate support. Free and confidential help for staff is provided by the Employee Assistance Programme (EAP). This is separate from any other additional action which the individual(s) concerned may choose to take through the formal/informal procedures outlined herewith.

Victimisation

The term victimisation is used to describe unfair treatment of a staff member by an employer because of some action the staff member has taken. Under this policy, a staff member will not be victimised or sanctioned for raising a complaint, supporting a complainant, giving evidence in proceedings, or by giving notice of intention to do any of the foregoing. Furthermore, in the course of investigating the complaint, the University will make no assumptions about the culpability of the alleged perpetrator.

Complaints Procedure

Any staff member who feels that they have been the subject of harassment or sexual harassment can avail of the support of a Support Contact Person whose function is to listen, be supportive and outline the options and mechanisms available to the staff member.

The Support Contact Person will explain the definition of harassment and sexual harassment and the elements of the procedure to assist the staff member to make an informed choice about what action, if any, he or she may wish to take. The Support Contact Person cannot act as an advocate or representative for the staff member or approach the respondent on behalf of the complainant.

How to deal with an Allegation of Harassment or Sexual Harassment

Please note that the steps outlined below are an overview of the potential steps involved in resolving a complaint. Individuals are not required to follow each step in a linear or sequential fashion. For example, a complaint may proceed directly to the Designated Person phase, or not proceed further than the Local Resolution phase as appropriate. It is also possible to move between formal and informal resolution mechanisms as seems appropriate and as the need arises.

Timelines are mentioned at several stages in the process. It is in the interest of all parties that complaints are progressed in a timely and efficient fashion. Therefore, those managing the complaints process should adhere to timelines wherever possible. Similarly, individuals involved in a complaint should fully co-operate with and participate in the process.

Where it is not possible to adhere to timelines at any stage of the process, the person managing that stage of the process should make a record setting out:

- a) The circumstances which have led to the timeline being exceeded
- b) The impact (if any) which this will have on the process.

If delays have been caused by either the complainant or the respondent, they should be required to explain, in writing, the reasons for this delay. This information should be made available to the Director of HR for review.

Mediation is available at every step of the process. This is a voluntary process, which can be a very effective method of dispute resolution. Further information about mediation can be found in Appendix A of this policy document. Please speak to your Line Manager or another suitable manager in your area, a member of the HR Unit, or your Trade Union if you would like further information or advice about entering the mediation process.

The formal process will be paused during mediation. Should mediation cease, the formal process will be resumed at the request of either party.

It is important that complaints which are made under this policy are genuine and not vexatious in nature. Such behaviour undermines genuine complaints made by colleagues, may cause stress and upset to those wrongly accused, and can waste the time of those working to investigate the complaint.

However, it is also important to note that behaviour may sometimes genuinely cause unintentional upset to the recipient, even though it does not amount to harassment or sexual harassment. The fact that an allegation is held to be unfounded, does not by itself mean that it was vexatious or made maliciously.

Reminder: Not all steps below must be followed in a linear fashion. For example, complaints can proceed directly from the Individual Stage to the Designated Person Stage as appropriate.

Individual

- Individual considers whether harassment or sexual harassment has occurred
- Additional information and support is available from:
 - Self-Audit Checklist (see Appendix C)
 - HR Website
 - Contact Person
 - Employee Assistance Programme.
 - Trade Union representative
 - HR Office incl. Deputy Director, Business Partner or Employee Relations sections.
 - Family, Friends Colleagues as appropriate

Harassment and Sexual Harassment Complaint Procedures

Local Resolution

- If possible, the complainant should approach the respondent(s) or ask a manager to do so on their behalf, to advise of the offending behaviour and the impact which it has on the individual, and to ask that it discontinue
- The complaint may refer a complaint to the next appropriate Line Manager
- The Line Manager should attempt to resolve the matter locally and/or offer mediation to both parties with the intention of resolving the matter

Pre- Investigation

- Complaint is referred to the Employee Relations Manager who will appoint a Designated Person to oversee the complaint
- The Designated Person will engage with both parties to:
 - Provide relevant information
 - Familiarise themselves with the background, contact and details relevant to the case
 - Encourage the use of mediation with the intention of resolving the matter

Investigation

- The Employee Relations Manager will appoint a trained investigation team to formally investigate the complaint
- The investigation team will examine the complaint; gather relevant evidence and witness statements
- The investigation team will complete a report for the Director of HR
- The Director of HR will decide, based on the investigation report, if any further action is required

Review Process

- If either party is dissatisfied by the conduct or outcome of an investigation, they can apply for a review to assess:
 - If policy and procedures have been followed correctly
 - Whether the conclusions reached by the investigation team can be reasonably drawn from the evidence on the balance of probability
- The review will be an external review panel, as described on page 23.

Mediation

- Do I think that I may have been subject to harassment or sexual harassment?
- If so, what can I do?

- If an individual thinks that s/he has been harassed or sexual harassed, s/he needs to seriously consider whether this is the case before making a complaint.
- A number of sources of information and support are available to assist with this consideration and to help provide clarity regarding issues related to harassment and sexual harassment, before, during, and after a complaint has been made and/or resolved.
- These supports will provide information on what constitutes harassment and sexual harassment as per the policy, as well as information regarding how complaints are handled and possible avenues which may be explored to resolve the issues.

Sources of information and support may include any of the following:

- HR Office
- Employee Assistance Programme
- Contact Person
- Self-Audit Checklist (please see Appendix C)
- Trade Union representative
- Colleagues, family members or friends as appropriate
- HR website

Further information regarding all of the relevant contacts and supports can be found in Appendices B and D of this document.

Disciplinary Issues

- Complaints regarding harassment or sexual harassment are extremely serious, and will be treated as such by management.
- Complaints which are upheld may be pursued in accordance with the provisions of the relevant University Disciplinary Procedure.
- Similarly, complaints which are found to be malicious or vexatious may also be pursued as a disciplinary issue, in accordance with the relevant University Disciplinary Procedure. However, the mere fact that a complaint is not upheld does not mean that it will be regarded as malicious or vexatious.

MEDIATION

Mediation is a voluntary confidential process that allows both parties resolve their conflict in a mutually agreeable way with the help of a neutral mediator. Mediation can be used to achieve early intervention and resolution for **any** workplace conflict under this policy. The option to avail of mediation is available at any stage throughout the complaint procedure. See Appendix A of this document for further information.

Local Resolution

- Attempt to resolve matter locally

Attempt resolution directly with the relevant parties

1. An individual who believes that s/he has been harassed or sexually harassed, should, if possible, inform the person(s) concerned directly that their behaviour is unwanted, unacceptable and ask them to stop.
2. The individual should raise the issue with the person(s) concerned as soon as possible, but no later than four months after the most recent event(s), unless there are extenuating circumstances which may be taken into consideration. In many situations this approach is effective, as a direct communication between both parties can help to build both understanding and awareness. It can sometimes be the case that a person is not aware of their behaviour, that it is unacceptable, or the impact which it has on the other person.
3. Resolution at this stage could involve an apology from the one person to another and/or an agreement that the unacceptable behaviour will not happen again.
4. If the complainant believes that this approach is unsuitable or if it has been unsuccessful, s/he should raise the issue with an appropriate Line Manager. This should be done as soon as possible, but no later than four months after the most recent occurrence of unwanted behaviour involving new complaints as outlined in Point 2 above, or within 10 working days of an unsuccessful attempt at resolving the matter directly with the other party.
5. It is recognised that circumstances may occasionally exist where, for good reasons, a complainant feels they cannot pursue his/her complaint through the Line Management structure. In such circumstances, the complainant may bring the matter directly to the Director of HR as soon as possible, but no later than four months after the most recent occurrence of unwanted behaviour or within 10 working days of an unsuccessful attempted resolution between both parties as previously outlined in Point 2 above.

Attempt resolution with assistance from appropriate Line Manager

6. Once the complaint has been brought to his/her attention, the Line Manager should try to resolve the issue locally. This may involve encouraging all parties to engage in meaningful dialogue in an effort to gain a level of consensus or agreement. This should take place as soon as possible, but no later than 15 working days from when the issue was brought to the manager's attention. At all times, the Line Manager should respect the confidentiality of both parties.
7. The complaint may be oral or written. If oral, a written statement of what is complained of should be taken by a Line Manager, and signed by the complainant. A copy should be given to the complainant and its accuracy confirmed by the complainant by email or signing as appropriate.
8. The Line Manager may refer the complaint directly to the HR Office if they feel that this is the most appropriate method of resolving the matter. This may involve situations where it is clear that local resolution or mediation may not be suitable to resolve the matter.
9. If the Line Manager's attempts to resolve the issue locally have been unsuccessful, the Line Manager should ensure that the parties are made aware of mediation as an option, provide them with information and encourage the parties to avail of the process. If both parties consent to engagement with the mediation process, the Line Manager should contact the HR Office to have a Mediator appointed.
10. If Mediation is either unsuccessful or unsuitable as a means of conflict resolution, e.g. if one or more parties to the complaint refuse to take part in mediation, the complaint should be referred to the HR Office as soon as possible
11. While complaints at the local resolution stage can be either oral or written, complainants should be encouraged to make their complaint in writing should they wish to progress the issue via the Employee Relations Manager.
12. If the Employee Relations Manager is the subject of the complaint, management of the complaint should be passed on to another senior member of management as appropriate.

- Designated Person assigned to progress complaint

Employee Relations Manager considers if complaint may involve a criminal offence

1. Upon receipt of a harassment or sexual harassment (Oral or written) complaint, the Employee Relations Manager will first consider if the complaint may constitute a criminal offence.
2. If the Employee Relations Manager considers that there is a possibility that a criminal offence has occurred, the complaint should be referred to the Garda Síochána as soon as possible.
3. Any further Departmental investigation may be put on hold pending advice from the Garda Síochána as to whether to continue processing the complaint.

Designated Person appointed

4. The Employee Relations Manager will appoint a Designated Person (DP) to progress the complaint, as soon as possible, but no later than 15 working days after receiving the complaint. The full role and responsibilities of the Designated Person are set out in Appendix B of this document.

Designated Person meets with both parties

5. The DP will, within 15 working days of appointment to the case, consult with the complainant to ascertain the details and context of his/her complaint.
6. The DP will, within 15 working days of consulting with the complainant, consult with the respondent(s) to present the complaint including relevant details and evidence of alleged behaviour.

Recording the complaint

7. The complaint should ideally be in writing, signed and dated. The complaint should be confined to precise details of alleged incidents of harassment or sexual harassment including their dates and names of witnesses, where possible. Where this is not possible, a written statement should be taken of the complaint by the Designated Person, and signed by the complainant.
8. The DP will remind both parties of the importance of confidentiality and that any breaches of confidentiality may be subject to proceedings under the Disciplinary Policy. The DP will also ensure that both parties have copies of relevant HR policies and information, including a copy of this Policy and the *Disciplinary Policy which is available on the HR section of the University Website*.
9. The DP will advise both parties of possible options and/or resolution methods (e.g. mediation, investigation, withdrawal of complaint, etc.) which may be explored and the timelines involved.

10. The DP should also ensure that all parties are kept informed throughout this stage of the process, as appropriate.

Compulsory Mediation Information Session

11. The DP will provide information on mediation to all parties, including, but not limited to the nature and the benefits of mediation, the role of all parties. This must be carried out prior to an offer of mediation by the DP.
12. The DP will offer mediation to both parties as an option to resolve the issue among the parties themselves. If both parties agree to enter the mediation process, the DP will ask the HR Unit for referral of the complaint to a Mediator as soon as possible.

Reporting to Employee Relations Manager

13. The DP should present to the Employee Relations Manager, within 30 working days of appointment to a case, a written report which should include:
 - A record of all stages of the process that took place, i.e. meetings with all parties, mediation, etc. These records should not include comprehensive details of what was discussed but just that discussions took place. The purpose of the records is to provide evidence of an organisational response and an attempt at resolution.
 - Indication that examples of alleged behaviour by the respondent(s) have been provided by the complainant including time, dates, location, names of witnesses, etc.
 - A copy of the written complaint signed by the complainant which will be forwarded to the Director of HR.

- Complaint is formally investigated
- An investigation under this policy shall be the fact-finding investigation as required for the purposes of the Disciplinary Procedure

Director of HR appoints investigation team

1. The Director of HR will decide, upon receipt of the DP report and the written complaint, if a formal investigation is required in accordance with this policy. Both parties should receive a copy of his decision with the reasons for it
2. If the decision is taken to proceed with a formal investigation, the Employee Relations Manager will appoint a trained and gender balanced investigation team to examine the complaint as soon as possible, but no later than 15 working days from receipt of the DP report. If the decision is taken not to proceed with a formal investigation, it is open to the complainant to apply for a review of the decision under the Review Process specified in this policy.
3. The terms of reference defining the scope of the investigation, including indicative timelines, should be agreed between the investigation team and the Employee Relations Manager before commencement of the investigation and copied to the relevant parties. While it is recognised that the length of the investigation may be dependent on the complexity of the case, the number of witnesses etc., generally the time limit for the investigation should not, except in exceptional circumstances, exceed 6 months.
4. All participants should be reminded of the importance of confidentiality at all times during the investigation process.

Formal Investigation commences

5. All parties must fully engage with the investigation in order to avoid delays. An investigation team is entitled to draw conclusions from the failure to co-operate with the investigation (e.g. in the absence of an explanation by the respondent(s) that, on the balance of probability, the alleged incident(s) did occur). Failure to co-operate with the investigation may result in disciplinary procedures.
6. The complainant, the respondent(s) or any witnesses should be allowed to be accompanied during the investigation process by a person of their choice, such as a colleague, legal advisor or Trade Union representative.
7. If one of the parties involved in the investigation is absent from work due to sick leave, s/he should be referred to the University Occupational Health Physician service (OHP) as soon as possible but no later than 10 working days from the notification of the sick leave absence. The OHP should not only be asked about fitness for work, but “fitness to participate” in the investigative process.

8. The investigation team should begin the investigative process with a thorough interview with the complainant to ascertain the facts related to the complaint. The complainant may be accompanied at this meeting by a person of their choice. This interview should seek to determine:
 - What precisely is alleged
 - Who was allegedly involved
 - When and where the alleged incident(s) occurred
 - Whether there were any witnesses to the alleged event(s)
 - Identify & obtain other Supporting evidence as appropriate
9. Following the interview with the complainant, the investigation team should meet with the respondent(s). The respondent may be accompanied at this meeting by a person of their choice, as under 31 above. The respondent(s) should be:
 - Informed of the allegations which have been made against them
 - Provided with a written copy of the complainant's statement
 - Provided with an opportunity to comment on the alleged incident(s)
 - Asked to identify if there were any witnesses to the alleged events
 - Permitted to identify & provide other supporting evidence as appropriate
10. The complainant will be provided with a copy of the statement provided by the respondent(s) normally within 10 working days from the date of the interview of the respondent(s). Each party must be fully aware of the case that is being made by the other party. The investigation team should not take evidence into account without first obtaining what comments or reply may be made to that evidence by the other party or provided by other witnesses. It is important that both complainant and respondent have copies of all statements which may inform the investigation team's decision.
11. Following the interviews with the complainant and the respondent(s), the investigation team should approach relevant witnesses named during the interviews, to obtain their account of events. It is for the investigation team to determine which witnesses need to be interviewed.
12. Witnesses should only be provided with information which is necessary to allow the investigation team to determine what occurred in relation to the allegation. Witnesses should also be informed that the investigation is a confidential process, and that they should not discuss the matter with other parties.
13. Both the complainant and the respondent(s) should be provided the opportunity to comment on the witness statements as soon as possible, but no later than 10 working days following receipt of the witness statements.

14. Either party may raise a concern with the investigation team that they consider a breach of the process to have occurred and have it noted at that time.
15. The investigation team should then consider all of the evidence which has been presented to them, in a bid to reach a conclusion on what transpired, and provide a written report to the Director of HR containing the findings of their investigation and any subsequent clarifications as may be required by the Director of HR. This outcome of the investigation should include one of the following outcomes
 - a) That, on the balance of probability the complaint is upheld for reasons which are stated
 - b) That, on the balance of probability the complaint is not upheld for reasons which are stated (cases where there was insufficient evidence to decide on the complaint are included in this category)
 - c) The investigation team may, depending on the circumstances, make a finding of 'no case to answer' where the complainant withdraws a complaint or refuses to engage with the investigation.

Role of Director of HR following receipt of Investigation team's report

16. The complainant and the respondent(s) should be informed in writing of the findings of the investigation by the Employee Relations Manager within 15 working days following receipt of the investigation report.
17. The complainant and the respondent(s) can comment on the findings of the investigation within 15 working days of notification of the investigation's findings.

The Director of HR should, within 15 working days of receipt of comments from both parties:

- Consider the findings of the investigation and comments provided by both parties
- Decide upon the outcome of the process
- Inform both parties if the matter is to be further pursued as a disciplinary issue or if other actions may be taken

- Application made to review decision

1. If the complainant or the respondent is dissatisfied with (a) the conduct of the investigation, or (b) the finding of fact, s/he can apply in writing, within 15 working days of receipt of the decision, to the Director of HR seeking a review to be carried out, clearly indicating the specific grounds for review.

It should be noted that this review will be a paper-based exercise and that the role of the Reviewers is not to re-investigate the incidents which gave rise to the complaint. Rather, the Reviewers shall consider:

- Whether the investigation has followed the correct procedures contained in this Policy
 - Whether the investigator's conclusions could or could not reasonably be drawn from the evidence on the balance of probability
2. Two Reviewers should be appointed from the agreed panel of external reviewers* normally within 10 working days of the application, to review the conduct and/or outcome of the investigation. The external reviewers will not have been involved in the initial investigation.
 3. The Director of HR should inform the other party of the application for review and on what grounds this application has been made as soon as the application has been received.
 4. The Reviewers should provide a report to the Director of HR containing their findings in relation to the procedures followed and conclusions which were drawn during the investigation.
 5. The Director of HR should consider the findings of this report and decide upon an appropriate course of action.
 6. The Director of HR should inform both parties of his/her decision, and the reasons behind the decision, no later than 10 working days from the date of their receipt of the Reviewers' report.
 7. The University upholds the Principles of Natural Justice and fair procedure and nothing in this policy shall diminish a staff member's entitlement to refer matters to third party dispute resolution mechanisms such as the Rights Commissioner, WRC and Labour Court.

*The Panel of Reviewers will comprise of 8 suitably experienced external and independent persons (gender balanced). Four members of the Panel will be nominated by University management and four by the recognised trade unions. One from each group selected at random (gender balanced) will form the review team on any given case.

In the event that either the University nominated members of the panel or the Union nominated members of the panel are unavailable either the University or the Trade Union will seek an additional suitably experienced, external and independent individual to be part of the panel.

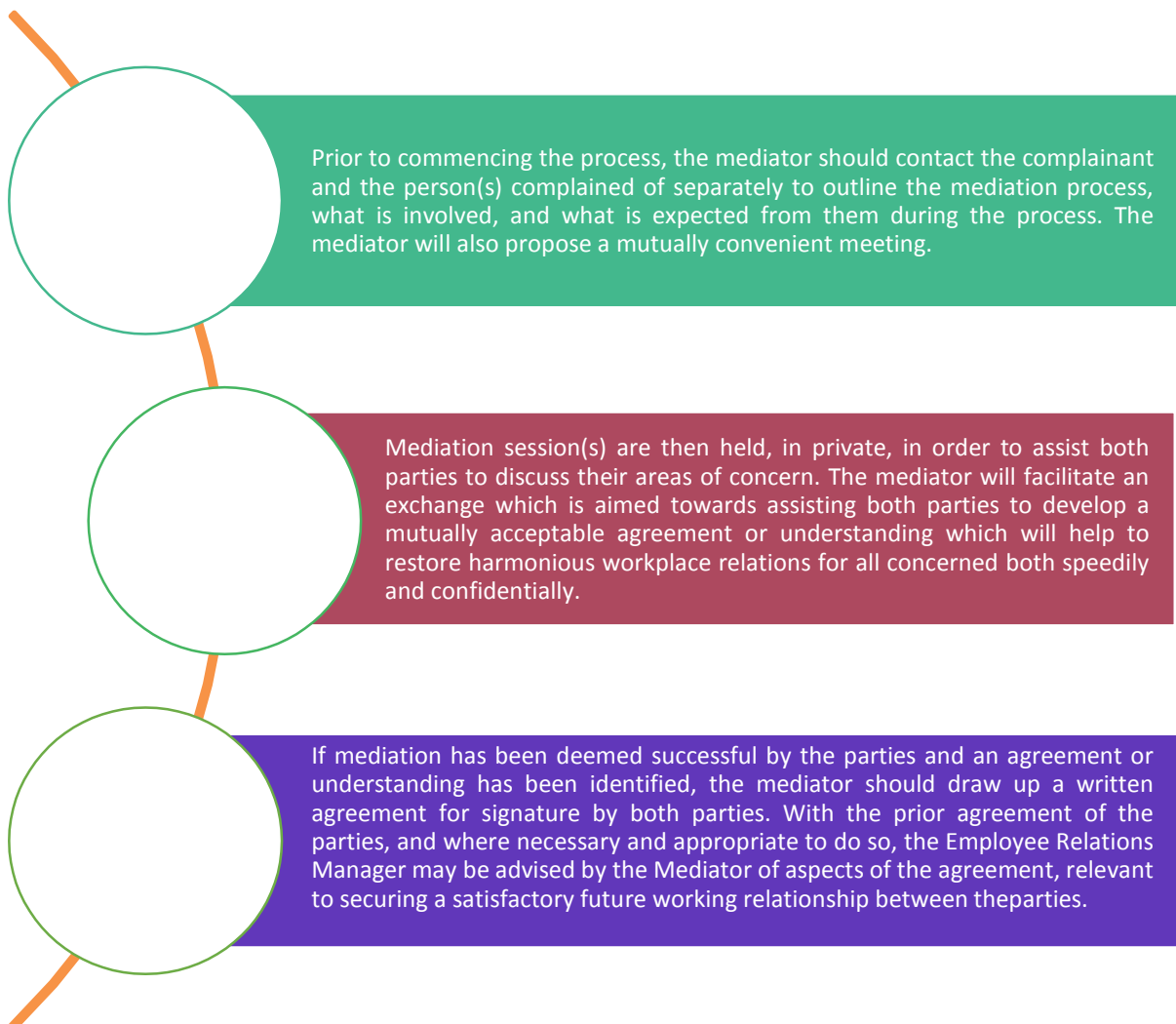
APPENDIX A - MEDIATION

Mediation is a voluntary and confidential process for solving disputes, which is available to parties at each stage of the complaints process.

Mediation is a process which allows all parties to have their views heard on issues of concern in a safe environment, which can help to deliver workable agreements which are agreeable to all parties.

Confidentiality is crucially important to the process and should be adhered to at all times.

Once Mediation has been requested, and where all parties agree to participate, the HR Manager should appoint a suitable qualified mediator, to commence the process.



What is Mediation?

Mediation is a voluntary confidential process that allows two or more disputing parties resolve their conflict in a mutually agreeable way with the help of a neutral third party, a mediator (Stein 1997).

Mediation focuses on the interests or needs of the parties and on solutions, not on determining or assigning blame. The mediator does not impose a solution but rather works with all parties to create their own solution.

Mediation Process

When a complaint is received by the Designated Person, by the Line Manager or by the Employee Relations Manager, the two parties involved will ordinarily be invited to participate in mediation. Alternatively (a) staff member(s) may seek mediation themselves to resolve the dispute, through HR. Mediation will be explained in detail to the parties involved so they can make an informed decision about this alternative method of resolving disputes or complaints.

If both parties agree to attend mediation then a mediator will be assigned and the parties informed. The mediator will contact both parties and arrange to meet them both separately initially. At these meetings the mediator will gain an understanding of the issues, ensure both parties understand mediation, what will be involved, and what is expected from them. After meeting both parties separately the mediator will then arrange a suitable time and venue for the mediation session(s) in the event that all parties, including the mediator, are willing to proceed.

The mediator will then bring both parties together to identify and discuss their areas of concern. The mediator facilitates this process without offering solutions, taking sides or making a judgement. The mediator assists each party to explain the problem to the other party as they see it. The mediator facilitates an exchange in which the parties identify the issues in dispute. The objective of mediation is to enable the parties involved to resolve matters speedily and confidentially, often without recourse to a formal investigation.

Benefits of Mediation

- Mediation is an empowering process, both parties are in control of the outcome.
- It creates a safe environment for both parties to talk about the issues and the impact on them to be heard.
- It is usually fast.
- Mediation is confidential and without prejudice.
- It is a voluntary process. Either party or the mediator can withdraw at any time from the process.
- The parties involved are in control of the decisions as opposed to a solution being imposed.
- Mediation encourages a positive approach to resolving disputes or difficulties.
- Having the mediator in the session to facilitate and control the process creates an environment of exchange, exploration, and resolution in safety.

Because the terms of agreement, if reached through mediation, are made up of the decisions of the parties themselves, there is a greater likelihood that they will continue to be adhered to, rather than in circumstances where solutions are imposed by third parties. Mediation agreements are binding on the parties.

Information Session on Mediation (for the parties involved)

Mediation is a process whereby an agreed, impartial, and suitably qualified mediator meets with both parties to try to help them to resolve the dispute, complaint or issue. The mediator usually meets each party separately to begin with, to get a sense of the issues and explain the mediation process. At this session each party can ask any clarifying questions. The mediator will outline what is expected from each party i.e.

- Confidentiality
- Respect for each other
- That each party will outline the situation and the issues as they see it
- That each party will listen to the other
- That each party will engage honestly in the process
- That each party be willing to explore options for resolving the issues
- That the mediator will control the process
- That the mediator will take note of agreements/decisions reached during the session
- That whatever is discussed in the mediation process cannot be disclosed or used in another forum
- That the mediator will not be required or permitted to give testimony at any other forum relevant to the dispute between the parties.

The mediator then arranges with both parties a suitable venue and time to meet together. The length of the meeting and breaks times will be agreed. If necessary/appropriate for a further meeting(s), day and time of the next meeting will be arranged.

During this mediation meeting both parties will outline the dispute or issues as they see it. The mediator will facilitate respectful dialogue and negotiation between the parties. The aim of the mediation is for the parties involved to reach agreement on how to resolve the dispute or issue.

Mediation may be invoked at any time in a dispute, however, other methods of dispute resolution (e.g. investigation or legal remedy) must be suspended to allow for mediation to proceed. In the event that either party withdraws from the mediation attempt the parties concerned are again free to pursue other courses of dispute resolution.

APPENDIX B – Role of the individual parties

Role of the Complainant

The complainant (the person making a complaint) will play an important role in the successful resolution of any harassment or sexual harassment complaint. The individual should take some time to make themselves aware of this policy, and the options which are available to them.

There are a number of sources of support, advice and assistance available for individuals such as the Contact Person, Employee Assistance Programme, the Designated Person, HR Office and others. A list of useful contacts can be found in Appendix D of this document.

The complainant should make a reasonable and genuine attempt to fully participate in attempts at resolving the dispute.

The complainant must not engage in victimisation, intimidation or hostility towards the respondent or potential witnesses.

Where a complaint has been made (either formally or informally), the complainant should not discuss the matter with potential witnesses. This is necessary to avoid compromising the complaints process.

All parties should continue to work as normal during all stages of the process, unless directed otherwise.

Those involved in a complaint should be aware that confidentiality is of utmost importance. Malicious complaints may be viewed as misconduct. However, the mere fact that a complaint is not upheld (for instance, due to a lack of evidence) does not mean that a complaint will be regarded as malicious.

Role of the Respondent

Similar to the role of the complainant, the respondent (the person(s) complained of) will play an important role in the successful resolution of harassment or sexual harassment complaints. Individuals involved should take the time to make themselves aware of this policy, and to make use of the many other sources of information and support during the complaints process.

There are a number of sources of support, advice and assistance available for individuals such as the Line Manager Contact Person, Employee Assistance Programme, the Designated Person, HR Office and others. A list of useful contacts can be found in Appendix D & E of this document.

The respondent should make a reasonable and genuine attempt to fully participate in attempts to resolve the dispute. It is important to note that presumption of innocence applies to the respondent at all stages of an investigation.

The respondent must not engage in victimisation, intimidation or hostility towards the complainant or potential witnesses. The presumption of innocence until proven guilty remains throughout.

Where a complaint has been made (either formally or informally), the respondent should not discuss the matter with potential witnesses. This is necessary to avoid compromising the complaints process.

Those involved in a complaint should be aware that confidentiality is of utmost importance.

All parties should continue to work as normal during all stages of the process, unless directed otherwise. As with the complainant, there are a number of sources of support, advice and assistance available for individuals such as the Contact Person, Employee Assistance Programme, the Designated Person, HR Office and others. A list of useful contacts can be found in Appendix D of this document.

Role of the Contact Person (CP)

The Contact Person (CP) is someone who is available to listen and provide information to those who are concerned about harassment or sexual harassment in the workplace.

The CP will be able to explain the various resolution options, the potential supports which are available to individuals, and to explain the role of the various parties involved in the resolution process.

In all cases it must be ensured that the CP has the appropriate knowledge and skills for the role. Appropriate training will be provided by the University in this regard.

Contact details of nominated and trained CPs will be provided on the HR website.

It is not the role of the CP to become directly involved in the complaints procedure, nor to act as advocate for either party in a dispute.

Role of the Designated Person (DP)

The Designated Person (DP) is a new role as set out in the Health and Safety Authority's Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying and Harassment in the Workplace.

The DP will be a senior member of staff, who will oversee complaints which have been referred to the Human Resources Office, and who will receive appropriate training in this regard. This individual will play a pivotal role in ensuring that complaints are dealt with in a timely and efficient manner.

The DP will:

- Ensure that all parties have copies of this policy and any other relevant information
- Ascertain the details relevant to the complaint, the context, and advise on the potential resolution methods which may be explored
- Provide information on mediation to all parties involved in a dispute
- If complaints are in verbal format, make a written note of what is complained of, and give a copy to the complainant
- Make a record of steps which have been taken in the process, such as a records of meetings, actions agreed, and the final report to the Director of HR. The purpose of these records, which do not include details of the discussions, is to provide evidence of the complaint being met with an organisational response and attempt at resolution

Role of Line Manager

Line Managers are required to make both themselves and their direct reports familiar with this policy.

Line Managers have a duty of care to their staff, and are required to tackle bullying, harassment, and sexual harassment in the workplace. They should make a reasonable attempt to facilitate a harmonious work environment which promotes dignity and respect for all staff. All complaints regarding harassment or sexual harassment must be treated seriously with due regard to the sensitivities of the complainant and to the rights of the alleged offender(s). All complaints should be dealt with promptly and sympathetically. Confidentiality should be adhered to by all parties involved in the complaint.

Line Managers should be approachable should any of their staff require advice regarding any aspect of this policy or regarding any potential incidents of harassment or sexual harassment.

If approached by a direct report regarding a potential case of harassment or sexual harassment, the Line Manager should;

- Speak to individuals on all sides of the complaint in an attempt to ascertain the details and context related to the complaint
- Attempt to facilitate local resolution of the issue
- Consider if mediation may facilitate a possible solution to the issue
- Alert the Human Resources Unit to cases which cannot be facilitated by local resolution or mediation
- Following the conclusion of the complaint or dispute resolution process, Line Managers should make appropriate attempts to restore reasonable working relationships within their area
- Those who make a complaint in good faith, or who provide evidence in relation to a complaint in good faith, should not be victimised by Line Managers

Role of HR

Complaints which are referred to the HR Office should be treated as a serious issue. They should be dealt with in a prompt and sympathetic fashion. All complaints should be handled in confidence.

The Contact Persons will be appointed from within the organisation ensuring gender balance, the HR Office will circulate and publicise the relevant details on an annual basis. The HR Office must ensure that the Contact Persons have the appropriate knowledge and skills for the role.

Complaints of a potentially criminal nature should be passed onto An Garda Síochána by the Director of HR. Where internal investigations are required, the HR Office will pass on complaints to the Designated Person (DP) in the first instance, who will attempt to resolve the issue informally, and via mediation where possible. The HR Office must ensure that the Designated Person has the appropriate knowledge and skills for the role.

Where mediation and local resolution have been unsuitable or unsuccessful, the complaint will be returned to the Employee Relations Manager, with a report from the DP of the actions taken. If a formal investigation is required, the Employee Relations Manager should appoint an impartial and trained investigator to ascertain the facts and produce a series of recommendations. The Employee Relations Manager must ensure that the Investigator has the appropriate knowledge and skills for the role. The HR office will seek to identify suitable investigators and provide appropriate training to them, including regular refresher training.

In situations where the respondent is the complainant's Line Manager, the Director of HR may make appropriate alternative reporting arrangements pending the resolution of the complaints process. Following the investigation, the Director of HR will be required to determine whether the complaint should be upheld or not upheld, and decide upon a course of action, potentially invoking the Disciplinary Code.

The HR Office should maintain regular communication with the parties involved to keep them informed of progress. The HR Office should also play a role in the positive reinforcement of this policy on an annual basis among staff across the organisation, and advise and support Line Managers including the provision of training where necessary.

The HR Office should also take steps to ensure that a workplace free of harassment and sexual harassment is maintained following the resolution of the complaint.

The Employee Relations Manager will provide a report to the University Management team on an annual basis of the number of harassment and sexual harassment incidents reported, their outcome and ultimate resolution.

This Policy will be reviewed on a biennial basis in line with experience in the employment, changes in the law, relevant case law or other developments. The Director of HR will be responsible to ensure that ongoing monitoring & training take place.

The Employee Relations Manager will ensure that this policy is made available to all staff regardless of employment status. In accordance with the H&S Code of Practice, it will also raise awareness of the issue by inclusion in staff bulletins, training, at recruitment stage and using any other appropriate method. Each unit will be provided with training on dignity at work and associated relevant policies at least once every two years.

Role of the Investigation Team

The investigation team will comprise of two staff members (gender balanced) drawn from a panel of trained volunteer investigators across the university. They will not be assigned to an investigation where a conflict of interest exists or is perceived to exist by either or both of the parties. They will carry out a full and thorough investigation of the allegations and provide a report to the Director of HR as outlined at section 39 of this policy.

Role of the Review Team

The review team will comprise of two people (gender balanced) selected from a Panel of Reviewers to carry out a paper based review of the complete file.

The Panel will comprise of 8 suitably experienced external and independent persons (gender balanced). Four members of the Panel will be nominated by University management and the remainder by the recognised trade unions. One from each group selected at random (gender balanced) will form the review team on any given case.

APPENDIX C – Self Audit Checklists

Self-Audit Checklist for the Complainant

Experiences of harassment or sexual harassment can be difficult to define and explain to third parties. Recalling incidents of this nature may be quite troubling, frustrating or upsetting. Summarising these events or experiences into a complaint which can be fully understood by others can be a difficult exercise.

Therefore completing the following checklist may assist individuals to reflect upon their situation, determine what they have experienced and if it may fall into the category of harassment or sexual harassment as defined previously in this policy. Alternatively other policies may be more appropriate. Please consult the HR section of the University website for more details.

The following is for personal use, and will not be recorded or reviewed by any other party unless you as an individual choose to disclose it. While respecting the confidential nature of the process, you may wish to share this information with any/all of the following before making a complaint: a trusted friend, colleague, trade union representative, Line Manager, Contact Person, a member of the EAP.

The individual may wish to consider the following:

- Have I read the Staff Harassment and Sexual Harassment Policy as a basis for considering my options?
- Does the behaviour I am concerned about match the definitions of harassment or sexual harassment as set out in this policy?
- How has the behaviour I have experienced affected me?
- Could the behaviour I experienced reasonably be regarded by an objective person as inappropriate, offensive, humiliating, intimidating, or threatening?
- If considered to be harassment or sexual harassment, has the behaviour I am concerned about been repeated?
- Was the behaviour I am concerned about part of the normal disciplinary or PMDS procedures? Was the feedback given in an appropriate and respectful manner?
- If I do not believe my experience can be defined as harassment or sexual harassment, may the behaviour be considered to be general workplace conflict and if so, have I explored the options available to me for resolution of these issues?
- Can I resolve the situation or stop the behaviour by speaking to the person directly, and requesting that they stop this behaviour?
- If I cannot approach the individual personally, can I ask my manager to do so on my behalf?

- If I am unable to discuss the matter directly with the person concerned, could I discuss the matter with another appropriate Line Manager?
- Were there any witnesses to the alleged behaviour?
- Have I kept a record of the behaviour or incident(s), including times, places, names of witnesses, or written communications?
- Have I discussed the situation and options with someone I trust?
- Am I prepared to engage in dialogue and other efforts to resolve the situation, such as mediation?
- Would I benefit from speaking to someone from the Employee Assistance Programme?

Self-Audit Checklist for the Respondent

Accusations regarding harassment or sexual harassment can be as stressful for the person(s) complained of, or potential witnesses as for the complainant. It may be beneficial to complete the following checklist, which may help you to reflect upon your situation, define the problem and to consider whether any of your behaviours might be perceived as harassment or sexual harassment.

The checklist is a tool for your personal reflection and is not recorded or reviewed by any other person unless you choose to disclose it. You may wish to share this information with a trusted friend, colleague, union rep, Line Manager etc. in order to evaluate your options as set out in this policy.

In considering options to resolve your current situation you may wish to consider the following, or discuss these points with an appropriate contact person or manager:

- Have I read the Staff Harassment and Sexual Harassment Policy as a basis for defining harassment and sexual harassment?
- Could my behaviour which has been complained of objectively be viewed as humiliating, intimidating or threatening?
- Is it possible that the tone or volume of my voice or my body language could ever be perceived as offensive, humiliating, intimidating or threatening?
- Could my communication or management style ever be perceived as offensive, humiliating, intimidating or threatening by someone else?
- When I feel angry, stressed or anxious, could my feelings be exhibited in a way that others might find offensive, humiliating, intimidating or threatening?
- Could the way in which I provide feedback on people's work, or monitor their performance, ever be perceived as overly critical or excessive by someone else?
- Have I excluded a particular staff member from essential information or meetings?

- Could targets or deadlines I have set be perceived by others as impossible?
- Having read the policy, could my behaviour be perceived as matching the definitions of harassment or sexual harassment?
- Is it possible that my behaviour towards the complainant has been repeated?
- Do I have any records of previous interactions I have had with the complainant?
- Was the behaviour that has been perceived as harassment or sexual harassment part of the normal disciplinary or performance feedback procedure?
- Have I discussed the situation and options with someone I trust, and may I benefit from doing so?
- Would I benefit from speaking to someone from the Employee Assistance Programme?
- Would I benefit from receiving advice from my trade union representative or legal advisor?

APPENDIX D – Supports for Staff

Employee Assistance Service (EAS)

In addition to the role of Contact Person, the EAS provides a wide range of free and confidential supports to all staff, including Line Managers, designed to assist employees in managing work and life difficulties which, if left unattended, could adversely affect work performance and/or attendance and quality of life.

Role of the EAS in relation to the Staff Harassment and Sexual Harassment Policy

The EAS is available to offer support to any member of staff who:

- Experiences a conflict situation and/or interpersonal/communication difficulties in the workplace
- Feels s/he is being subjected to harassment or sexual harassment
- Has had an accusation of harassment or sexual harassment made against him/her
- Is a Line Manager who may need support or guidance in resolving issues arising from conflict, interpersonal difficulties, and harassment or sexual harassment
- Is a colleague affected in such circumstances
- Is asked to be a witness in an alleged harassment or sexual harassment complaint

What the EAS can offer

When an individual engages with the EAS, it can provide

- Assistance in evaluating and assessing difficulties
- Help in exploring the issues and possible options for resolution
- Help in planning a structured approach to coping with and resolving issues
- Signpost to other resources
- Referral to external agencies as appropriate and in agreement with the individual (cost, if any, in such referrals will be borne by the individual concerned)
- Information on relevant policies, conflict resolution and mediation

In the interest of impartiality where two or more parties are involved in a situation where there is conflict, interpersonal difficulty, or alleged harassment or sexual harassment, each party can avail of the support of the EAS.

A Line Manager can consult the EAS where s/he is dealing with staff members in relation to any of the foregoing issues for support and advice in trying to bring about a resolution.

A Line Manager can also advise the individual(s) of the availability of the EAS as a support. Where appropriate, the Line Manager can formally refer the individual(s) to the EAS.

EAS Confidentiality

Professional standards apply in relation to confidentiality. Confidentiality is between the individual and the EAS. Information and personal data disclosed by employees to the EAS remains confidential (exceptions are listed below) and will not be disclosed to a third party without the prior knowledge and consent of the individual.

Exceptions to confidentiality:

- Life-threatening situations to the individual, other parties or the public
- Where there is a statutory responsibility to report
- Where required by a court or legal process to do so
- Where non-disclosure of information could compromise the EAS
- Where the EAS becomes aware of a breach in criminal law, disclosure may be necessary.

Where an individual is formally referred to the EAS by Line Management, HR Office, confirmation of attendance/engagement will be given to the referring party and any proposed feedback and/or progress reports will be agreed with the staff member.

Full details on the EAS are available on the HR Website at http://www.nuigalway.ie/human-resources/employee_wellbeing/employeeassistanceservice/

APPENDIX E – Useful links

- NUI Galway HR Website_
<http://www.nuigalway.ie/hr/>
- NUI Galway EAP access details.
http://www.nuigalway.ie/human-resources/employee_wellbeing/eap/
- Health and Safety Authority – Guidelines on Bullying at Work_
http://www.hsa.ie/eng/Workplace_Health/Bullying_at_Work/
- Services Industrial Professional & Technical Union (SIPTU)
<http://www.siptu.ie/>
- Irish Federation of University Teachers (IFUT)
<http://www.ifut.ie/>
- Technical Engineering & Electrical Union (TEEU)
<https://www.teeu.ie/>
- Unite_
<http://www.unitetheunion.org/>

CONTACT PERSONS LIST

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