

**Policy name: Dignity and Respect Policy**

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## **1. Context**

- 1.1 The Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, strives to create an environment that is supportive and conducive to work and study. The Academy has a diverse student, research and staff body with multiple roles, both professional and personal and this policy encompasses all groups in the Academy. The Academy promotes, and is committed to supporting, a collegiate environment for its staff, students and service users which is free from discrimination), bullying, sexual harassment and other forms of harassment.

## **2. Purpose**

- 2.1 This policy outlines the Academy's commitment to creating a positive environment, where every individual is treated with dignity and respect.
- 2.2 Specifically, the policy aims to achieve the following:
- (i) to properly and effectively prevent bullying and harassment;
  - (ii) to support good communications amongst colleagues, staff and students, and to ensure acceptable behaviour throughout the Academy;
  - (iii) to set out each individual's responsibility in making themselves aware of the policy and its' implications;
  - (iv) to provide methods of resolution for staff and students in which they have a range of opportunities, both formal and informal, depending on their individual situations;
  - (v) to promote an environment in which diversity is respected.

## **3. Scope**

- 3.1 This policy applies to all conduct, communications and behaviour of students and staff of the Academy and others representing the Academy or engaged in activities relating to the Academy or providing services to the Academy in all locations and situations.

## **4. Benefits**

- 4.1 All staff, students and service users of the Academy will treat others and be treated by others with respect.
- 4.2 Diversity will be supported in the Academy.
- 4.3 Problems and allegations relating to discrimination, bullying and harassment in the Academy will be dealt with effectively, sensitively and fairly.

## 5. Principles

- 5.1 The concepts of equality and respect are central to the ethos of the Academy. The Academy will not tolerate harassment, sexual harassment, bullying and intimidation in any shape or form, nor will it tolerate discrimination on any grounds.
- 5.2 All members of the Academy's Community share the responsibility for ensuring an environment that protects the dignity and respect of its members. The Academy will not accept behaviour, which is offensive, abusive, intimidating, malicious or insulting.
- 5.3 Individuals have a responsibility to help ensure that unacceptable behaviour does not go unreported, and individual's will be held responsible for their behaviour and its potential effects on others.
- 5.4 Those who are concerned about incidents of bullying, sexual harassment, racial harassment or other forms of harassment, against themselves or others should seek confidential help and advice from the sources of help listed in this policy (see 6.1 below).
- 5.5 Individuals who feel bullied or harassed can have their concerns addressed by informal or formal means.
- 5.6 This policy is underpinned by equality legislation, and is in accordance with the Health and Safety Authority's Code of Practice on the Prevention of Workplace bullying and the Workplace Relations Commission's (WRC) Code of Practice detailing procedures for addressing bullying in the Workplace.

## 6. Policy

### 6.1 Sources of help

Any individual with dignity and respect concerns should consider the options available under this policy to resolve them. Heads, Managers, Tutors, Post Graduate Advisors, Contact Persons (see 6.2.2 below), Human Resources staff, Trade Union and Student representatives can offer guidance and help on the resolution of dignity and respect issues. Help and support is also available through Student Counselling, the Student Health Centre and the Employee Assistance Programme.

### 6.2 Roles, responsibilities and impacts

#### 6.2.1 Management's Role

- (i) to provide information to staff and students regarding their entitlements under the relevant equality legislation;
- (ii) to provide information on this policy and procedures;
- (iii) to direct staff and students to the appropriate sources of help, resources and procedures;
- (iv) to communicate and promote the policy amongst staff and students;
- (v) to raise awareness on the prevention of bullying and harassment, and the value of dignity and respect amongst staff and students.

## 6.2.2 Role of Contact Persons

Contact Persons advise on the options available under the policy for resolving dignity and respect issues. They provide options and the potential for resolution of issues in a positive, solution focused manner. Contact Persons do not operate in a representative capacity and will not be interviewed or be involved in any formal investigation process. Their role is to:

- (i) Listen to the story.
- (ii) Advise on the operation of the policy and of the options available under the policy for resolving dignity and respect matters.
- (iii) Provide support and help to solve the problem. This applies to complainants, alleged perpetrators and witnesses. A Contact Person will not provide advice to both parties involved.
- (iv) Advise and give information on other sources of help e.g. Employee Assistance Programme, Student Counselling/Health Centre.
- (v) Assist staff/students handling the matter.
- (vi) Contact the alleged perpetrator on behalf of the staff member/student, if requested, after full discussion with them.
- (vii) Act only with agreement of the staff member/student.
- (viii) Provide support to the individual staff member or student during a formal process.
- (ix) Provide referrals to the mediation process or request mediation.
- (x) Encourage an open discussion with the staff member/student to create a balanced view of the situation.
- (xi) Liaise with Heads of Faculties/Managers/Tutors in complex academic staff/student complaints.

The Contact Person in the Academy for the purpose of this policy is the RIAM Secretary.

## 6.2.3 Responsibilities of the Complainant:

- (i) to seek to resolve the complaint at the earliest opportunity and at the lowest appropriate level;
- (ii) to make the complaint in good faith;
- (iii) to co-operate with the procedures and make themselves available in a timely manner to facilitate resolution of the case;
- (iv) to seek support and representation as appropriate;
- (v) to be factual in any written/oral evidence;

(vi) to afford dignity and respect to others, and to maintain confidentiality.

#### 6.2.4 Role of every individual

(i) to be aware of behaviours;

(ii) to assist with resolution methods where requested;

(iii) to appropriately support individuals who are being or have been bullied, harassed or discriminated against;

#### 6.3 Who to talk to about Discrimination, Bullying or Harassment

6.3.1 You have the right to seek support.

6.3.2 It is natural to want to speak to colleagues and friends, but it is important to respect the rights of all individuals.

6.3.3 Sensitive matters should be discussed in private. Cases and discussions regarding any allegations are confidential, and any breaches of confidentiality will be investigated. This may result in disciplinary action.

6.3.4 It is better to talk to a Contact Person or to a Head of Faculty, Line Manager or Academy Management at an early stage, as they will be able to suggest strategies and preventative actions which may, in many cases, assist in the early resolution of the difficulties.

#### 6.4 Stress

6.4.1 It is recognised that the decision to bring a case forward may cause anxiety or stress for all individuals involved.

6.4.2 Individuals are encouraged to talk about the situation to a Contact Person, which they may find helpful.

6.4.3 If an individual is concerned about their overall health or well-being as a result of a difficult situation, they should seek the necessary medical attention.

#### 6.5 Definitions and Examples

##### 6.5.1 Definition of Bullying

(i) 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/study and/or in the course of employment, and which could reasonably be regarded as undermining the individual's right to dignity and respect.

(ii) An isolated incident of the behaviour described in this definition may be an affront to an individual's dignity but, as a once off incident, is not considered to be bullying.

(iii) Bullying can take many forms, from open aggression, threats, and shouting to subtle comments or exclusion. It can be verbal, physical or psychological.

- (iv) Bullying is destructive and can have serious consequences.
- (v) The impact of the behaviour on the recipient will be taken into consideration when dealing with cases of bullying.
- (vi) It should be noted that the issuing of reasonable work related instructions, student discipline or study related matters, or the exercise of lawful management rights or duties may not be construed as bullying.
- (vii) In addition, complaints that are related to assignment of duties, terms and conditions of employment may not be considered as instances of bullying, but may be referred under the Academy's normal staff grievance procedures.

## 6.5.2 Examples of Bullying

- (i) *Verbal*: personal insults, demeaning remarks, humiliation in front of others, nicknames, ridicule, persistent identification of one person 'as a joke', threats.
- (ii) *Non-verbal or indirect*: exclusion, hostile attitude, spreading malicious rumours.
- (iii) *Abuse of power*: excessive criticism, withholding essential information.
- (iv) *Physical*: aggressive behaviour, physical intimidation, unwelcome physical contact up to and including assault.

## 6.5.3 Definition of Sexual Harassment

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

## 6.5.4 Examples of Sexual Harassment

- (i) *Verbal*: unwelcome sexual advances, suggestive jokes and innuendo, requests for sexual favours, threats.
- (ii) *Non-verbal or indirect*: sexually suggestive pictures or written material, leering or gestures; spreading rumours about a person's sexual behaviour or orientation.

(iii) *Electronic*: sexually suggestive messages or images transmitted by computer or other electronic means.

(iv) *Physical*: unwelcome physical contact, up to and including assault.

## 6.5.5 Definition of Racial Harassment

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

## 6.5.6 Examples of Racial Harassment:

(i) *Verbal*: offensive jokes or remarks about a person's race or ethnic origin (including membership of the travelling community), ridicule or assumptions based on racial stereotypes.

(ii) *Non-verbal or indirect*: exclusion, hostile or demeaning attitudes, spreading malicious rumours.

(iii) *Visual*: production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda.

(iv) *Physical*: physical assault, threats of physical assault.

## 6.5.7 Other Forms of Harassment

(i) Any act or conduct by a perpetrator is considered to be harassment if it is unwelcome to the recipient and could reasonably be seen as offensive, humiliating or intimidating to the recipient, in relation to one or more of the following characteristics of the recipient: gender, religion, age, civil status, family status, disability, sexual orientation, race or ethnicity, membership of the Traveller community.

(ii) Such behaviour can take many forms, similar to those of sexual harassment, racial harassment or bullying.

(iii) It should be noted that such behaviour may be destructive and is unacceptable.

## 6.6 Note on posters and promotional materials

6.6.1 The definition of sexual, racial and other types of harassment applies to the production and display of images and written material such as student posters and promotional materials where the content could reasonably be perceived within the Academy context as offensive, humiliating or intimidating to the recipient in relation to any of the nine equality grounds (gender, race, religion, sexual orientation, civil status, family status, age, disability or membership of the Traveller community).

## 6.7 False/Malicious Allegations

6.7.1 Knowingly raising a false or malicious allegation is a serious breach of this policy.

6.7.2 Complaints which are found to be knowingly false or malicious will be treated as serious misconduct under the appropriate disciplinary procedures, however, this provision should not deter employees from reporting genuine complaints, made in good faith.

## 6.8 Counter Allegations

6.8.1 Any counter allegation will be treated as a separate complaint.

6.8.2 Generally, if part of a formal investigation, the counter allegation will be expected to be made in written form.

6.8.3 The Procedures above apply to the complaint in every regard, and the case shall be investigated within the procedure.

## 7. Procedures for resolving complaints raised under this policy

*[Note: The Academy has drawn up detailed guidance notes for the informal and formal procedures described below to assist complainants in determining the most appropriate course of action in their particular circumstances. These are appended at Section 13.]*

### 7.1 Informal procedures

7.1.1 The objective of this approach is to resolve the issues with the minimum of conflict and stress for the individuals involved. At the outset, complainants should consult with their Head/Manager/Tutor and/or a Contact Person who will explain the operation of the policy and help the complainant choose the best option for achieving a resolution. Complainants are encouraged, where it is appropriate and where they are comfortable doing so, to inform the alleged perpetrator directly that their behaviour is unwelcome. The Head/Manager/Tutor and/or a Contact Person may advise the complainant on how best to communicate the message to the alleged perpetrator. This often resolves the situation as the person may be unaware that their behaviour is causing distress.

7.1.2 Alternatively, complainants may ask their Head/Manager/Tutor or a Contact Person to alert the alleged perpetrator to their concerns, if the complainant feels unable to have the conversation directly with the alleged perpetrator at that stage.

7.1.3 If the matter remains unresolved complainants can ask their Head/Manager/Tutor or a Contact Person to facilitate an informal resolution. Complainants are also encouraged to consider mediation within the informal route if other informal approaches fail to resolve the matter.

7.1.4 Workplace mediation is an informal process through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary and both parties must be willing to take part and agree to the appointment of a Mediator. If the parties agree to this approach, the Academy will appoint a neutral and impartial Mediator to facilitate the process.

## 7.2 Formal procedures

[Note: The following are guidelines for the procedures to be adopted. However, the Academy is conscious that certain situations may require deviation from these procedures. The Academy is committed to ensuring all formal procedures are appropriate taking all considerations into account.]

7.2.1 For serious complaints or where the problem is not resolved through any of the informal methods described above, the relevant sections of the Academy's established formal processes for resolving complaints will be used.

- (i) Members of staff should initiate the formal grievance procedures in accordance with the Staff Grievance and Mediation policy.
- (ii) Students should initiate the Student Complaints procedures; and
- (iii) Service users should initiate the Customer Complaints procedure within the Complaints Policy.

7.2.2 In cases alleging sexual harassment, the Academy will ensure that at least one of the investigators involved within the formal procedures will be of the same gender as the complainant.

7.3 If, on completion of the above procedures, the complaint is well founded, Management may recommend counselling, monitoring or the convening of a disciplinary hearing. This outcome should be conveyed personally, as well as in writing, to the individual involved.

7.4 If a disciplinary hearing is recommended, this will be conducted in line with the relevant Academy disciplinary procedure, ie the Staff Disciplinary policy or the Student Code of Conduct, as appropriate. If it is found that a complaint was brought maliciously, the matter will also be dealt with under these disciplinary procedures.

7.5 It will be considered a disciplinary offence to victimise or retaliate against a complainant for bringing a complaint in good faith. The Academy will seek to protect all of the parties involved in an investigation from victimisation and from any negative impact on their day to day work or study. It is expected that all parties will act in a courteous and respectful manner during the process. Parties may be asked to minimise contact with each other, other than the day-to-day professional interactions that are required in their roles as staff and students.

## 8. Office of the Ombudsman

8.1 If complainants feel that they have been unfairly treated or are not satisfied with the decision on a complaint, it is open to them to contact the Office of the Ombudsman. By law, the Ombudsman can investigate complaints about any administrative actions or procedures as well as delays or inaction in dealings with the institution. The Ombudsman provides an impartial, independent and free dispute resolution service.

## 9. Responsibility

9.1 The RIAM Secretary is the 'Contact Person' and is also responsible for overseeing this policy and its operational procedures.

## 10. Legislation and Regulation

- 10.1 [Qualifications and Quality Assurance \(Education and Training\) Act 2012.](#)
- 10.2 [Health and Safety Authority's Code of Practice on the Prevention of Workplace Bullying.](#)
- 10.3 [Workplace Relations Commission's \(WRC\) Code of Practice.](#)
- 10.4 [Employment Equality Acts 1998–2015.](#)
- 10.5 [Equal Status Acts 2000–2015.](#)
- 10.6 [Health, Safety and Welfare at Work Act, 2005.](#)

## 11. Related Documents

- 11.1 Staff Grievance and Mediation Policy.
- 11.2 Student Complaints Policy and Procedure.
- 11.3 Complaints Policy.
- 11.4 Employment of People with Disabilities Policy.
- 11.5 Staff Disciplinary Policy.
- 11.6 Student Code of Conduct.
- 11.7 Equality and Diversity Policy

## 12. Document Control

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## 13. Appendix – Notes for Guidance

### 13.1 Procedure for Tackling Communication Breakdowns or Interpersonal Disputes

13.1.1 Your issue may result from a communication breakdown, an interpersonal dispute, or a lack of clarity around roles in teams.

13.1.2 There are many ways to resolve these issues – below are some of the methods you can use.

13.1.3 It is important that the situation be resolved as quickly as possible.

### 13.2 Informal Procedure When Tackling Communication Breakdowns or Interpersonal Disputes

13.2.1 Handling matters yourself:

- (i) If there is inappropriate behaviour make clear that the behaviour is unwelcome.
- (ii) Take some time out to think through/write out the problems, and the potential solutions.
- (iii) Talk to the other party involved as openly and honestly as possible about the difficulties you are experiencing.
- (iv) Try to stick to facts and be non-judgemental.
- (v) Talk about the impact that events have had on you.
- (vi) Use examples.
- (vii) Be open to the discussion being a two-way frank discussion.
- (viii) Meet the person in a private space, using the model below where possible.

13.2.2 Procedure for discussion meetings when handling matters yourself:

- (i) Agree confidentiality and a length of time for the meeting e.g. generally about one hour.
- (ii) Story telling - Both sides taking equal time to get their story across uninterrupted.
- (iii) Summarise, and agree what the problem is / the issue you need to address.
- (iv) Brain storm possible solutions / who else you need to consult.
- (v) Agree a way forward or the next step if a solution is not possible at this point.

13.2.3 Talking to others:

- (i) Seek support. It is important that you limit this to one/two confidential people.
- (ii) You should not discuss the matters with others in the department, unless absolutely necessary, and you are willing to address the matter (see section 6.2).
- (iii) Talk to the Contact Person.

### 13.2.4 Interventions:

- (i) Contact Person's intervention.
- (ii) Ask for a conciliation/facilitated meeting by the Head of Faculty, Secretary/Finance Officer or Governor.
- (iii) Offer to participate in Workplace Mediation – both parties must be willing – this can be by internal mediators or external mediators – as appropriate, further information available from Human Resources.

### 13.3 Formal Procedure When Tackling Communication Breakdowns or Interpersonal Disputes

13.3.1 Make a complaint through the appropriate complaints/grievance procedures.

13.3.2 Review your situation:

- (i) It is important to review your situation sometime after resolution to check the balance to see if it working properly.
- (ii) Build the above review in to your resolution.

### 13.4 Procedure for Resolving Incidents of Bullying or Harassment

13.4.1 All complaints of harassment, sexual harassment and bullying will be treated seriously and with due regard to the sensitivities of the complainant and to the rights of the person against whom the complaint has been made.

13.4.2 Complaints will be dealt with promptly and sympathetically.

13.4.3 As far as possible, every effort will be made to handle complaints in confidence.

13.4.4 Experience in the Academy suggests that it is preferable for a person who feels that she/he is being bullied or harassed to use one or all of the following steps – informal, workplace mediation or formal steps.

13.4.5 A person may prefer to proceed directly to the mediation or formal process and their decision to bypass the informal process should not be held against them.

13.4.6 The Academy will seek to protect all of the parties involved in an investigation from victimisation and from any negative impact on their day to day work or study.

13.4.7 It is expected all parties will act in a courteous and respectful manner during the process.

13.4.8 Parties may be asked to minimise contact with each other, other than the day to day professional interactions that are required in their roles as staff and students.

13.4.9 Handling matters yourself:

- (i) Keep a record of incidents as they occur: what happened, dates, times, places, witnesses (if any), your response and the impact on you.

- (ii) Make it clear to the perpetrator that the behaviour is unwelcome and unacceptable and ask them to stop. If this is not possible or you find it difficult to approach the perpetrator, then you should approach one of the Contact Persons for help.
- (iii) If you are a student and feel that your academic progress is being adversely affected by the behaviour of an academic staff member (who is responsible for the assessment of your course work and examinations, or the supervision of your dissertations/theses or practical placements) you should seek the assistance of a Contact Person in the first instance. They will work with you and your Head of Faculty (with your permission) to seek a resolution.

#### 13.4.10 Talking to others:

- (i) Seek support. It is important that you limit this to one/two confidential people – see section on Who Can I talk to in Confidence – earlier in this policy. You should not discuss the matters with others in the department, unless absolutely necessary, and you are willing to address the matter.
- (ii) Talk to the Contact Persons. They are appointed by the Board to help to resolve such cases. They offer a confidential, informal service. They will:
  - Listen to your story.
  - Provide personal support and help you to solve the problem.
  - Advise and give information on other sources of help e.g. Counselling/Health Services.
  - Assist you with handling the matter yourself directly.
  - Contact the alleged perpetrator on behalf of the staff member/student if requested after full discussion with them.
- (iii) They will only act with your agreement.
- (iv) If you decide to make a formal complaint they will:
  - Provide personal support during this procedure.
  - Provide referrals to the mediation process or request a mediation.
  - Encourage an open discussion with the staff/student to create a balanced view of the situation, e.g. impact on other parties in a case/normal work environment in an area.
  - Talk to your Line Manager/Human Resources/Supervisor in confidence.

#### 13.4.11 Formal Interventions:

- (i) Contact Persons may intervene on your behalf under the informal procedures if you feel you cannot do so.

- (ii) Offer to participate in workplace mediation – both parties must be willing – this can be by internal mediators or external mediators – as appropriate.
- (iii) In the case where a student feels that their academic progress has been adversely affected by the behaviour of an academic staff member (who is responsible for the assessment of their course work and examinations, or the supervision of their dissertations/theses or practical placements) and they have been in touch with a Contact Person the following process will apply:
  - The Contact Person will (with the permission of the student) set up and attend (if appropriate) a meeting with relevant Academy Management and/or an appointed Mediator.
  - If the issue is deemed serious enough that informal mechanisms are not suitable to address it then formal arrangements should be instigated without delay to ensure that conflicts of interest are avoided, without prejudice to any party in the case.
  - Academy Management or the Mediator will write to the parties, without prejudice, setting out the agreed process to be followed in order to resolve the issue.
- (iv) Depending on the nature of the complaint, it may be recommended that individuals undergo training or counselling, or other means necessary to uphold the Academy's policy going forward.
- (v) An important aspect to this process is the speed with which the case is brought to a conclusion.

#### 13.4.12 Workplace Mediation:

- (i) The Academy supports the use of workplace mediation as an alternative method of resolving complaints.
- (ii) Workplace mediation is an informal process, through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides.
- (iii) The process is voluntary and both parties must be willing to take part and agree to the appointment of a Mediator (internal or external).
- (iv) If the parties agree to this approach, the Academy will appoint a neutral and impartial Mediator, with the agreement of the parties, to facilitate the process.

#### 13.4.13 Training and Counselling:

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

### 13.5 Procedure for Resolving a Complaint Formally

13.5.1 For serious complaints or where the problem is not resolved through any of the informal methods, the formal complaints process may be used.

13.5.2 A formal complaint involves providing a written statement to the RIAM Secretary, confined to the precise details of the allegations. In the event that the complaint relates to the RIAM Secretary, the written statement should be sent to the Chair of Board of Studies or the Director.

13.5.3 All formal complaints will be investigated.

13.5.4 The alleged perpetrator should be notified in writing that an allegation of bullying, sexual harassment or other form of harassment has been made against them. They should be advised that they shall be afforded a fair opportunity to respond to the allegations.

13.5.5 Time Frames for Cases:

- (i) Hearings of formal cases will be held as quickly as possible.
- (ii) During each stage of the process the complainant and the alleged harasser will be made aware of deadlines.
- (iii) In addition, regular updates will be given on the progress of the case.
- (iv) Given the nature of the academic environment, and lecturing/other commitments, every effort will be made to ensure that mutually agreeable dates for the investigation interviews (if required) will be set up as quickly as possible and that paperwork will be completed in a timely fashion by all parties.