

Dignity and Respect Policy and Procedures for Students and Employees

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1. Introduction

1.1 Purpose

The purpose of this policy and its associated procedures[1] is to support the development and maintenance of a safe working and study environment in which discrimination, harassment and bullying are unacceptable.

The policy outlines how University of Limerick (UL) will

- strive to proactively provide a campus environment in which all members of the campus community feel safe and are respected
- support employees and students who have experienced any form of discrimination, harassment, bullying or victimisation (as defined in section 1.3 below)
- respond to disclosed incidents that breach this policy

This policy acknowledges that being negatively targeted has a destructive impact on performance and productivity in both study and work, as well as on a person's mental well-being and the surrounding educational and work environment.

Discrimination, harassment, bullying and related complaints can have a range of serious effects on all concerned – the person being discriminated against, harassed or bullied; those who are accused of discrimination, harassment or bullying; and others in the work and study setting. The spiralling negative consequence of claims of this nature cannot be overstated. Therefore, to ensure all employees and students are treated with dignity and respect, UL is committed to identifying and addressing all forms of discrimination, harassment and bullying.

This policy sets out

- how UL defines discrimination, harassment and bullying
- what UL expects of its employees and students
- the responsibilities of key roles within UL
- how employees and students will be supported when issues of this nature occur
- How to report incidents of such behaviours

Individuals must trust in the process and have the confidence to come forward in the knowledge that their concerns will be dealt with appropriately and fairly.

The policy emphasises the importance of early intervention and an informal approach, offering as they do the best chance of achieving a good outcome, particularly in relation to restoring relationships in an educational environment. If the complaint cannot be resolved informally, the policy sets out investigation processes designed to deal with complaints promptly and with minimal distress for the parties involved.

This policy relates to all incidents that undermine the dignity of UL employees, UL students or the UL community (as defined in the section 1.2.1 below). Therefore, it encompasses any form of discrimination, harassment, bullying and victimisation. Additionally, it addresses complicity and retaliation, vexatious reporting and malicious reporting.

[1] Hereafter, reference to this policy can be taken to include the policy's associated procedures, as specified in section 4.

1.2 Scope

1.2.1 To Whom Does This Policy Apply?

This policy applies to

- registered UL students who have experienced discrimination, harassment or bullying during their course of study at UL where the respondent is a member of the UL community, as defined below. For example, if a student is discriminated against by a UL employee, they can report the discriminatory incident in accordance with this policy.
- registered UL students who have been accused of discrimination, harassment or bullying during their course of study at UL where the complainant is a member of the UL community, as defined below. For example, if a UL employee is harassed by a student, they can follow the procedures outlined in this policy to report the incident.
- all UL employees who have experienced discrimination, harassment or bullying during their employment at UL where the respondent is a member of the UL community, as defined below. For example, where an employee makes an allegation of discrimination, harassment or bullying the procedures outlined in this policy can be followed to report the incident
- all UL employees who have been accused of discrimination, harassment or bullying during their employment at UL where the complainant is a member of the UL community, as defined below. For example, where an allegation of discrimination, harassment or bullying is made against a UL employee, the procedures outlined in this policy can be followed to report the incident.

The UL community includes

- all UL employees in the paid employment of the University, whether part-time or full-time, permanent or temporary
- all registered students of UL (including those undertaking employment-related activities as part of their programme of study)
- Governing Authority
- non-UL employees who work or engage with UL employees and students in the course of their work, such as those from subsidiary or associated companies, including UL Student Life, Postgraduate Students' Union (PSU), UL Wolves, Unijobs, University Concert Hall, Plassey Campus Centre and UL Arena

In relation to employees employed by a subsidiary or associated company of UL:

- Where a UL employee or student wishes to make a report of discrimination, harassment or bullying against an employee of a subsidiary or associated company, the relevant policies of the subsidiary or associated company will normally apply.
- Where an employee of a subsidiary or associated company wishes to make a report of discrimination, harassment or bullying against a UL employee or student, this policy will normally apply.
- In some situations, based on the circumstances of the case, UL and the subsidiary or associated company may need to agree on who should lead the investigation process and which policy should apply in the circumstances.

1.2.2 Other Categories of Persons to Whom This Policy May Apply

This policy may apply when the complainant or respondent is an employee or student and the other party falls within one of the following categories:

- Third-party contractors working in any area of UL operations or programmes, irrespective of contract

- Persons conducting teaching or research at or under the auspices of UL, including visiting faculty and researchers, consultants, Emeritus, adjunct appointments, external examiners, and research fellows
- UL alumni and past employees (where the incident or behaviour occurred during the course of study or work at UL and in which the responding party is a **current** student or staff member)

1.2.3 Students on Placement or Internship

Where a UL student on placement or internship in another organisation wishes to make a formal complaint of discrimination, harassment or bullying against an individual in that organisation, the dignity and respect policies (or equivalent) of that organisation will apply.

Where a UL student on placement or internship in another organisation has a formal complaint of discrimination, harassment or bullying made against them, the dignity and respect policies (or equivalent) of that organisation will normally apply.

Where a UL student on placement or internship in another organisation makes a formal complaint of discrimination, harassment or bullying against another UL student on placement or internship in that organisation, this UL policy will apply and the policy of that organisation may also apply.

In some situations, based on the circumstances of the case, UL and the host organisation may need to agree on who should lead the investigation process.

1.2.4 Employees on Secondment

Where a UL employee is on secondment (i.e. on assignment to another organisation for a temporary period) and wishes to make a complaint of discrimination, harassment or bullying against an individual in that organisation, the relevant policies of that organisation will apply.

Where a UL employee on secondment in another organisation has a complaint made against them by an employee within that organisation, the UL employee will be subject to the relevant policies of that organisation.

Where a UL employee on secondment in another organisation makes a complaint against another UL employee also on secondment in that organisation, they will be subject to UL policy, and they may also be subject to the policy of that organisation. In some situations, based on the circumstances of the case, UL and the host organisation may need to consider the circumstances to determine which is the most appropriate policy under which to carry out the investigation and may reserve the right to investigate the matter as considered appropriate in the circumstances.

1.2.5 When the Respondent Is Not a Member of the UL Community

If the respondent is, for example, a volunteer, a contractor (or person employed by a contractor) or another individual engaged by UL, the University will consider the circumstances and shall take such action as deemed appropriate in the circumstances. UL will be restricted in the action it can take where the respondent is not a UL employee or student and, as such, is not subject to all UL policies and procedures, such as disciplinary procedures.

If the respondent is not a person engaged by UL (such as a conference attendee), the University will offer to the complainant whatever support they require to ensure a safe working environment, including assisting them to liaise with the Gardaí, should they wish to do so.

1.2.6 When the Complainant Is Not a Member of the UL Community

Where a report is made by a person who is not an employee or student of UL against a UL employee or student, the University will consider the circumstances of the report and shall take such action as deemed appropriate in the circumstances.

1.2.7 Situations and Locations in Which This Policy Applies

This policy applies to all employees and registered students of UL who have experienced or been accused of discrimination, harassment or bullying in the course of their employment or study at UL at all locations and in all situations, including circumstances that arise off campus.

The policy applies to all areas of UL operations and programmes. It includes

- conduct on the UL campus
- conduct off campus, i.e. in places where UL students and employees are engaged in an activity connected to and approved by UL
- conduct at official events such as UL-approved social functions, conferences, sporting events, field trips and work assignments
- conduct during UL Student Life or PSU activities, including clubs and societies events and when fulfilling leadership roles
- communications: written, email, telephone, social media and other online formats, within the working hours and beyond

Where the conduct is not connected to UL activities, such as during any non-UL gathering or event on or off campus (including at social gatherings involving students and/or employees as well as posts on social media), this policy shall be applied where it is considered appropriate to do so having regard to the particular circumstances, including, but not limited to

- the nature of the issue(s) raised
- the extent of any ongoing interaction between the individuals concerned in the UL setting
- the potential impact on the safety, health and wellbeing of the individuals concerned and of other members of the UL community

1.2.8 Key Roles and Responsibilities

The Provost & Deputy President and the Director, Human Resources (HR) is responsible for ensuring that this policy is implemented and monitored. Ultimate responsibility for the policy rests with the UL President.

All members of the community have a responsibility to develop and maintain a high degree of dignity and respect and to participate in creating a positive and safe environment where discrimination, harassment and bullying are not tolerated. The responsibilities of these key roles are described in detail below.

Executive Committee

Led by the President, the UL Executive Committee is the senior leadership team of the University. As well as having overall formal responsibility for the operation of this policy, the Executive Committee is responsible for

- visibly leading and championing a positive culture of dignity and respect that is free from discrimination, harassment and bullying and where trust and transparency around dignity and respect is paramount
- ensure that adequate resources are allocated to support a positive culture of dignity and respect, including training and awareness-raising campaigns
- proactively encourage individuals to seek support and guidance if experiencing issues relating to discrimination, harassment or bullying

Managers

- Take steps to positively promote awareness of the policy, procedures and complaint process.
- Take seriously and deal promptly and appropriately with issues of discrimination, harassment or bullying.
- Set appropriate standards of behaviour by their own example and by treating all in the workplace with courtesy and respect.
- Take all reasonable steps to ensure that the work area for which they are responsible is free from discrimination, harassment and bullying.
- Be vigilant for signs of discrimination, harassment and bullying at work through observation and feedback.
- Deal sensitively with employees involved in a complaint of discrimination, harassment or bullying whether as a complainant or respondent.
- Explain the procedures to be followed if a complaint of discrimination, harassment or bullying at work is made.
- Ensure that an employee making a complaint is not victimised for doing so.
- Monitor and follow up the situation after a complaint is made so that discrimination, harassment or bullying at work does not reoccur.

Employees and Students

- At all times, treat all members of the UL community with dignity and respect and be aware of the impact of their actions.
- Positively contribute to a UL community that is free from discrimination, harassment and bullying.
- Read and support the policy and cooperate with the procedures, including any investigation.
- Challenge discrimination, harassment or bullying and report any incidents witnessed.
- Encourage any individual that confides that they have experienced discrimination, harassment or bullying to seek support and guidance from the sources available.
- Do not make false, malicious or vexatious complaints.

Human Resources (Employees)

- Provide advice to heads of faculties/support divisions and line managers on addressing matters related to dignity and respect, including how they can best support those experiencing such issues.
- Signpost employees to specialist supports and advisors, such as the Dignity and Respect Designated Contact Persons, Employee Assistance Service, HR Business Partners and Unite the Union.
- Provide support with the formal dignity and respect complaint process.
- Provide appropriate training to employees to support this policy, and provide advice to UL employees and management, as appropriate.

Human Rights, Equality, Diversity and Inclusion

- Provide support in the review of this Dignity and Respect Policy and Procedures.
- Monitor the data in relation to harassment and bullying from the various sources and compile statistical reports.

Complaints, Discipline & Vetting Unit (Students)

The preliminary complaint process and, if invoked, the sanction phase is undertaken through the Complaints, Discipline & Vetting Unit, which operates under the remit of the Associate Vice President Academic Affairs and, ultimately, the Provost & Deputy President's Office.

Designated Contact Person (Employees)

UL has appointed trained Designated Contact Persons to provide voluntary, informal, confidential support and information to employees who are recipients of bullying behaviour and to those against whom a complaint has been made. It is the responsibility of the Designated Contact Person to provide information to anyone who may have a query in relation to the operation of this policy or to an employee who requires support or guidance in relation to a matter where they would welcome some information or assistance. Designated Contact Persons are trained to listen, to be supportive and to discuss the various options that are open to the employee concerned. Access to Designated Contact Persons is available to both complainants and respondents. Should an employee initiate a complaint under this policy, the Designated Contact Person will not be involved in any investigation that may be conducted, and neither do they advocate for either party.

For more information, please refer to the Designated Contact Persons Code of Practice, which provides guidance on the role of the Designated Contact Person and details of the Designated Contact Person Panel.

Unite the Union (Employees)

Unite can play an important role in providing information, advice and support to employees who feel that they are being bullied or harassed or against whom a complaint has been made.

Students' Unions (Student Life and Postgraduate Students' Union)

The UL students' unions (Student Life and Postgraduate Students' Union) are a further point of contact for students who may be experiencing issues relating to dignity and respect. The unions assist students by providing a listening ear and signposting to specialist support and guidance.

Bystanders

A bystander in the context of this policy is an individual who witnesses an incident of discrimination, harassment or bullying. Student bystanders are encouraged to report any incidents they witness to their head of academic unit, and employee bystanders are encouraged to do likewise to their line manager or HR.

1.3 Definitions

1.3.1 Dignity

Dignity refers to the inherent worth of every human being, as everyone is capable of acting morally, regardless of their background. This quality makes all human beings entitled to be respected. It also makes them responsible for treating others respectfully. Article 1 of the Universal Declaration of Human Rights states that "All human beings are born free and equal in dignity and rights." Article 1 of the EU Charter of Fundamental Rights asserts that human dignity is inviolable and must be respected and protected.

1.3.2 Respect

According to the UL Human Rights, Equality, Diversity and Inclusion (HREDI) Strategy (2023-2027), respect is about dignity, human worth and care and involves fair treatment, a safe environment, fulfilling the right to privacy and valuing people. 'Respect' is the conduct that arises from our inherent dignity. On the other hand, disrespect, including discrimination, harassment or bullying, violates the dignity of both the person showing disrespect and the person who is disrespected. Disrespect can occur at the level of the individual or the institution. The key factor in identifying

disrespectful behaviour is the impact the behaviour has on the individuals or groups that experience it rather than the intent behind it.[2]

1.3.3 Complainant

The complainant is the person who makes a complaint.

1.3.4 Respondent

The respondent is the person or institution against whom a complaint is made.

1.3.5 Appellant

The appellant is the person (complainant or respondent) who appeals the outcome of the formal complaint process.

1.3.6 Protected Grounds

Irish law prohibits discrimination through the Employment Equality Acts (1998-2023) and the Equal Status Acts (2000-2021) under nine protected grounds. They are

1. Gender	4. Age	7. Race
2. Civil status	5. Disability	8. Religion
3. Family status	6. Sexual orientation	9. Membership of the Traveller community

1. Gender (including gender identity): A person's gender identity, including male, female, other
2. Civil status: a person's civil status, be it single, married, separated, divorced, widowed, civil partnered or formerly civil partnered
3. Family status: Being a parent of a person under 18 years or the resident primary carer or parent of a person with a disability
4. Age: A person's age; this does not apply to a person aged under 16. Children are covered by child protection legislation and UL's Child Protection Guidelines and Child Safeguarding Statement.
5. Disability: Includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
6. Sexual orientation: A person's sexual orientation – LGBTQI+, lesbian, gay, bisexual, transgender, queer, non-binary, questioning, intersex, asexual or heterosexual[3]
7. Race: Includes race, skin colour, nationality and ethnic origin
8. Religion (including having no religion): A person's religious belief, background, outlook or lack of religious beliefs
9. Membership of the Traveller community: Now recognised as an ethnic group

Socio-economic status is recognised as a tenth ground of discrimination in the UL HREDI Strategy (2023-2027):

10. Socio-economic status: An individual's economic and social position in relation to others, based on income, education and occupation

1.3.7 Discrimination

The Employment Equality Acts (1998-2023) and Equal Status Acts (2000-2021) prohibit discrimination on specific grounds. Generally, discrimination[4] occurs when one person is treated less favourably

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[2] Refer to the Equal Status Acts (2000-2021), Employment Equality Acts (1998-2023) or EU directives for more information on the meaning of intent behind harassment and discrimination.

[3] For information about sexual harassment, please refer to the UL Sexual Violence and Harassment Policy for Students and Staff

[4] Irish Human Rights and Equality Commission (IHREC), Equality laws in Ireland

than another person in a comparable situation because they differ under any of the discriminatory grounds defined above. Two examples of this are given below:

- Discrimination on the ground of gender happens when one person is treated less favourably than another because one is a woman and the other is a man. Pregnant women or women on maternity leave are also protected under the gender ground. Under EU law, a transgender person who experiences discrimination arising from their gender reassignment, or transition, is also protected under the gender ground.[5]
- Racial discrimination happens when one person is treated less favourably than another because of their race, colour, nationality, or ethnic or national origins.

Note: This policy considers the impact of the intersection between two or more protected grounds when addressing discrimination and harassment.

Types of Discrimination

Direct Discrimination

This is defined as the treatment of a person less favourably than another person who is in a comparable situation because they have a protected characteristic that

- exists
- existed but no longer exists
- may exist in the future
- is imputed to the person concerned. (This occurs where a person is labelled as having a protected characteristic even though they do not have that characteristics.)

Indirect Discrimination

Indirect discrimination occurs when an apparently neutral provision, criterion or practice, which appears unproblematic at first sight, puts a person who has a protected characteristic at a particular disadvantage when compared with another person.

This provision, criterion or practice will not amount to discrimination when UL can show that the provision, criterion or practice is objectively justified by a legitimate aim and that the means of achieving that aim are both appropriate and necessary.

Institutional Discrimination

Discriminatory policies may fall under the definition of indirect discrimination in this policy if they unjustifiably place a person who has a protected characteristic at a particular disadvantage when compared with another person. Complaints against such discrimination can be lodged against the institution.

Furthermore, if the institution fails to adequately address reported incidents of discrimination, harassment or bullying, those incidents themselves can become forms of institutional discrimination, harassment or bullying. UL has vicarious liability for acts carried out by employees in the course of employment, whether or not the acts are carried out with the employer's knowledge or consent.[6]

Discrimination by Association

This occurs when a person who associates with another person is treated less favourably because that other person has a protected characteristic.

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[5] IHREC, Work & Gender

[6] Section 15, Employment Equality Acts (1998-2023)

Discrimination by Imputation

This occurs when a person is treated less favourably because it is believed that they belong to one of the categories covered by the nine grounds, whether or not that is the case. For example, if a person has a dark complexion and is treated less favourable because it is assumed they are of a different race or nationality, this would be discrimination on the race ground.

Procuring Discrimination

It is an offence under the Equal Status Acts (2000-2021) to procure or attempt to procure another person to engage in discrimination, harassment, bullying or victimisation.

Instructing Discrimination

This occurs when someone orders or instructs another person who is in some way dependent, such as an employee, to discriminate against another person.

1.3.8 Intersectionality

Intersectionality means recognising that people's identities and social positions are shaped by several factors, which create unique experiences and perspectives. These factors include, among others, sexuality, gender, race, disability, age and religion.[7]

According to the Submission on the Review of the Equality Acts (IHREC, 2023)[8], it is noteworthy that "intersectional discrimination in this context is not intended to be synonymous with 'multiple' or 'compound' discrimination, which describe discrimination on multiple grounds which are then examined independently. Intersectional discrimination describes the unique disadvantage experienced by a person as a result of a combination of grounds which can only be understood by examining them together, rather than apart."

1.3.9 Harassment

Under the Employment Equality Acts (1998-2023), harassment is defined as "any form of unwanted conduct related to any of the discriminatory grounds 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."[9] Harassment can be a once-off incident.

The protection against harassment extends to situations where the person subjected to harassment does not have the relevant characteristic related to the discriminatory ground but the perpetrator believes the person has that characteristic. For example, a perpetrator believes a person to be gay, to be a Traveller or to be Muslim when the person is none of these things.

The following list of examples of harassment is illustrative rather than exhaustive:[10]

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment, including graffiti, text messages, emails, social media and internet posts
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays – posters, emblems or badges
- Excessive monitoring of work (without reasonable cause)
- Isolation or exclusion from social activities
- Unreasonably changing a person's job content or targets

[7] Advance HE, Athena SWAN Ireland FAQs: Intersectionality
[8] IHREC (2023), Submission on the Review of the Equality Acts
[9] Section 14 A (7), Employment Equality Acts (1998-2023)
[10] IHREC (2022), Code of Practice on Sexual Harassment and Harassment at Work

- Inappropriate scrutiny of the activities of others
- Pressure to behave in a manner that the person believes to be inappropriate
- Cyber-harassment, whether conducted on a personal device or company equipment

In addition, the policy takes into consideration internal policies, procedures and regulations as well as teaching and learning materials that may pertain to the identified patterns of harassment, as described above, which undermine the dignity of a person. UL is dedicated to addressing these issues by revising the current policies, procedures, and teaching and learning materials and providing training to those individuals involved.

1.3.10 Sexual Harassment

Sexual harassment as a sub-category of harassment is defined under the Employment Equality Acts (1998-2023) as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Many forms of behaviour can constitute sexual harassment. A single incident may constitute sexual harassment.

Reports and complaints of sexual harassment are addressed under policies and procedures dedicated specifically to this special sub-category of harassment owing to its unique nature and sensitivity. Refer to the UL Sexual Violence and Harassment Policy for Students and Staff and the Dignity & Respect, Sexual Violence & Harassment Formal Complaints Investigation Procedure (Employees) for the complete policy and procedures, respectively, on this subject.

1.3.11 Bullying

As defined by the national Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work[11] (hereafter referred to as the Code of Practice on Bullying at Work), "Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could be reasonably regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying". The Code of Practice on Bullying at Work applies to study and educational places as well as to the workplace.

How Bullying Manifests Itself in the Workplace

The Code of Practice on Bullying at Work further states that bullying in the workplace (and, in the context of this policy, the educational setting) "should meet the criteria of an on-going series of an accumulation of seriously negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way. Bullying behaviour is offensive, on-going, targeted and outside any reasonable 'norm'. A pattern and trend must be involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating. It involves repeated incidents or a pattern of behaviour that is usually intended to intimidate, offend, degrade or humiliate a particular person or group of people – but the intention is not important in the identification process."

The Code defines bullying activities as involving "actions and behavioural patterns, directly or indirectly, spoken and/or written" and that could include "the use of cyber or digital means for the

[11] Health and Safety Authority and Workplace Relations Commission (2021), Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

goal of bullying." According to the Code, "bullying events, delivered through cyber means, may also be covered by the requirements of the 2005 Act".

The Code sets out the following behaviours, which are not exhaustive, as being likely to give rise to a pattern of bullying behaviour (content in square brackets added):

- Exclusion with negative consequences
- Verbal abuse/insults [jokes, comments, ridicule or songs, banter]
- Being treated less favourably than colleagues in similar roles [other students]
- Belittling a person's opinion
- Disseminating malicious rumours, gossip or innuendo
- Socially excluding or isolating a person within the work [or study] sphere
- Intrusion – pestering, spying or stalking
- Intimidation/aggressive interactions
- Excessive monitoring [without reasonable cause] of work [or study]
- Withholding information necessary for proper performance of a person's job [or study]
- Repeatedly manipulating a person's job [study] content and targets
- Blaming a person for things beyond their control
- Use of aggressive and obscene language
- Other menacing behaviour

Additionally, in line with changes in the digitised world, UL considers the following behaviours when referring to acts of bullying:

- Cyberbullying or cyber-harassment using electronic means, such as computers, tablets and mobile phones, whether conducted on a personal device or UL equipment
- Cyberbullying through SMS, text or apps or on social media or forums, including sending, posting or sharing negative, harmful, false or mean content about someone else

In line with the Code of Practice on Bullying at Work, this policy does not aim to address physical assault in an educational environment. Accordingly, where it may be a risk or where it has occurred and is therefore established as a future risk, UL retains and promotes a zero-tolerance approach to such behaviour from any quarter. Violence is a criminal matter and should be reported to An Garda Síochána.

What Does Not Constitute Bullying in the Educational Environment

The Code of Practice on Bullying at Work states the importance of distinguishing bullying from other inappropriate behaviours or appropriate engagement in the workplace (or educational environment). While a once-off incident of bullying behaviour may be an affront to dignity at work (or study) and may be unsettling, the code maintains that the level of distress from such an incident does not of itself fall within the definition of bullying and that other remedies should be sought for such scenarios. The Code claims that such once-off behaviours cannot be presumed to be done in a targeted, purposeful and unremitting way.

Furthermore, the Code asserts that "Apart from once-off behaviours, other on-going behaviours which may upset or unsettle a person may not come within the bullying definition either. Behaviour considered bullying by one person may be considered routine interaction by another, so the 'reasonableness' of behaviours over time must be considered. Disrespectful behaviour, while not ideal, is not of itself bullying. Conflicts and disagreements do not, of themselves, make for a bullying pattern either. There are various workplace [or study space] behavioural issues and relationship breakdowns which are troubling, upsetting and unsettling but are not of an adequate level of destructiveness to meet the criteria required for a bullying case."

Objective criticism and corrections intended to provide constructive feedback to an employee or student are not usually considered bullying but are intended to assist the employee with their work or the student with their study. The following behaviours (not exhaustive) do not constitute bullying:

- Expressing differences of opinion strongly
- Offering constructive feedback, guidance or advice about work-related or study-related behaviour, which is not of itself welcome
- Ordinary performance management
- Reasonable corrective action taken by a supervisor relating to the management and direction of employees (for example, managing an employee's performance, taking reasonable disciplinary actions, or assigning work) or students (for example, taking reasonable disciplinary actions or assigning tasks)
- Arguments or other interpersonal conflict between students that can occur in the classroom, in teams or in student clubs and societies
- Workplace conflict where employees disagree with or disregard the others' point of view.

Note: As harassment can be an isolated behaviour, a once-off disrespectful behaviour could be categorised as harassment depending on the identity of the targeted individual.

1.3.12 Other Disrespectful Behaviours

Instances of disrespectful behaviour that are not repeated (and therefore cannot be categorised as bullying) and are not associated with any protected grounds cannot be classified as harassment. However, they do have the potential to undermine the dignity of individuals and groups and are likely to lead to discrimination, harassment or bullying. For example, isolated incidents of incivility, humiliation or ignorance may lead to discrimination, harassment or bullying in the future.

Mindful of its commitment to being proactive, UL aims to address such behaviours to prevent potential occurrences of discrimination, harassment or bullying. Other disrespectful behaviours may be dealt under disciplinary procedures as breaches of the University's Student Code of Conduct[12] or with respect to employees under Statute No. 4: Statute on Disciplinary Matters, Suspension, Termination and Capacity.

1.3.13 Victimisation

A person is victimised when they are treated less favourably because they made a complaint of discrimination, harassment or bullying.

1.3.14 Bystander

A person who is present when something happens and who sees it but does not take part in it is referred to as a bystander.

An **active bystander** is a person who witnesses and recognises a harmful or potentially harmful act and does not ignore it or walk away.

An **upstander** is a person who is present when something happens and speaks up or acts in support of an individual or cause, particularly intervening on behalf of someone who is under threat of harm or attack.[13]

[12] Chapter 6 of the Handbook of Academic Regulations and Procedures

[13] Glossary of key terms for Social, Personal and Health Education (SPHE) (curriculumonline.ie)

1.3.15 Complicity

A person who knowingly helps, promotes or encourages any form of discrimination, harassment or bullying or any other form of disrespectful treatment by another person is said to be complicit.

1.3.16 Informal Complaint

In certain cases, those who want to make a complaint about the behaviour of another person may wish to resolve the matter informally. The informal procedure would apply where the complainant does not want to pursue a formal investigation but wants the inappropriate behaviour to stop and may want to put measures in place to support this.

1.3.17 Formal Complaint

A formal complaint is made when a person makes a statement about discrimination, harassment or bullying to UL and requests the University to take action.

1.3.18 Mediation

Mediation is a voluntary, confidential process that allows two or more disputing parties to resolve their issues (conflict) in a mutually agreeable way with the help of a trained mediator. The objective of mediation, which is accessible without making a formal complaint, is to resolve matters speedily and confidentially without recourse to a formal investigation. It is intended that mediation will therefore involve the minimum of conflict and stress for the individuals involved.

1.3.19 Precautionary Measures

When a formal complaint of discrimination, harassment or bullying is made to UL, reasonable precautionary measures may be put in place depending on the complaint and pending the outcome of UL's investigation process or a criminal investigation process. Precautionary measures, which must be reasonable and proportionate, are put in place to protect the best interests of all parties involved. A precautionary measure is neither a sanction nor a pre-determination that a breach of discipline or a criminal offence has occurred.

1.3.20 Burden of Proof

Under this policy, the burden of proof can be shared between the complainant and the respondent except in proceedings where it is the responsibility of the investigating body to investigate the facts. In other words, once facts are established from which it may be presumed the complainant has been less favourably treated on a prohibited ground, the onus is on the respondent to prove that the treatment was not discriminatory.

1.3.21 Vicarious Liability

When a person or entity is legally responsible for another person's actions, the person or entity is said to be vicariously liable. UL is liable for any act of discrimination by an employee in the course of their employment, whether the act is carried out with or without UL's knowledge or consent, unless UL can prove that it took reasonable steps to prevent the discrimination.[14] It is therefore vital that UL has comprehensive anti-discrimination, harassment and sexual harassment policies in place and that the policies are properly applied.[15]

In addition, UL has a duty under the Acts to protect its employees in relation to discrimination or harassment coming from third parties such as service users, contractors and suppliers.[16]

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[14] Section 15, Employment Equality Acts (1998-2023)

[15] IHREC, Explanation of Terms - IHREC - Irish Human Rights and Equality Commission

[16] IHREC, The Employment Equality Acts 1998-2015 – A Summary; Section 15, Employment Equality Acts (1998-2023)

1.3.22 University Advocates (Students)

Appointed by the UL President, the University Advocates are independent officers who, for the purpose of this policy, investigate and prosecute complaints related to alleged violations of this policy by students. With due regard to the rights of both the complainant and respondent, the University Advocates promptly carry out investigations to determine whether or not this policy or the UL Student Code of Conduct has been breached.

1.3.23 Designated Contact Person

Designated Contact Person (Employees)

Please refer to 1.2.8 above for information on Designated Contact Persons and to the Designated Contact Persons Code of Practice, which provides guidance on the role of the Designated Contact Person and details of the Designated Contact Person Panel.

Dignity & Respect Designated Officer (Students)

The Dignity & Respect Designated Officer in the Human Rights, Equality, Diversity and Inclusion Office can be consulted for guidance in directing students to the appropriate person and for providing support during the informal process and at the start of the formal process.

1.3.24 Discipline Committee (Students)

A complaint may be referred from the University Advocates to the Discipline Committee. The Discipline Committee comprises four members: a nominee from the President, who will chair the committee; a nominee of Academic Council; and two nominees from the students' unions (Student Life and Postgraduate Students' Union).

1.3.25 Discipline Appeals Committee (Students)

Decisions of the Discipline Committee can be appealed by either side to the **Discipline** Appeals Committee. The **Discipline** Appeals Committee comprises four members: a nominee of the UL President, who will chair the committee; two Academic Council nominees; and the students' union (Student Life and Postgraduate Students' Union) President or their nominee.

2. Context

2.1 Legal and Regulatory Context

This policy ensures compliance with or gives action to the following legislation or directives:

- Equal Status Acts (2000-2021)
- Employment Equality Acts (1998-2023)
- Public Sector Equality and Human Rights Duty, Section 42, Irish Human Rights and Equality Commission Act 2014
- S.I. No. 674/2020 – Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020
- Data Protection Acts (2003-2018)
- EU Race Directive (2000/43/CE)

2.2 Other Context

This policy is related to the following internal policies and procedures:

- UL Human Rights, Equality, Diversity and Inclusion Strategy 2023-2027
- UL Sexual Violence and Harassment (SVH) Policy for Students and Staff
- UL Student Code of Conduct (chapter 6 of the Handbook of Academic Regulations and Procedures)
- Bullying, Harassment, Sexual Harassment and Sexual Violence – Formal Complaints Procedure
- Statute No. 4: Statute on Disciplinary Matters, Suspension, Termination and Capacity
- UL Child Protection Guidelines
- UL Child Safeguarding Statement
- UL Safety Statement

3. Policy Statements

3.1 Core Values

UL is a higher education institution dedicated to promoting equal opportunities and outcomes in relation to rights, respect, representation, recognition and resources for all its students and employees. As specified in the UL Human Rights, Equality, Diversity and Inclusion Strategy 2023-2027, the five core values of social justice, inclusivity, respect, empowerment and agency are embedded throughout the University's institutional practices and communications. UL upholds the Public Sector Equality and Human Rights Duty through continual assessment, action and reporting.

3.2 Zero-Tolerance Approach

UL is committed to providing students and employees with a safe, welcoming and inclusive environment that is free from discrimination, harassment, bullying and victimisation. UL applies a zero-tolerance approach to behaviours of this kind. When such behaviours are found to have occurred, they are deemed by UL to amount to a breach of discipline and a failure to meet required standards of conduct.

3.3 Collective Responsibility

All UL students and employees have a responsibility to themselves and to other UL students and employees to contribute positively to promoting an institution where everybody is treated with dignity and respect and that is free from discrimination, harassment and bullying and from conduct that is likely to contribute to discrimination, harassment or bullying. All members of the UL community are expected to act as active bystanders or upstanders (as defined in section 1.3.14) when safe to do so.

All employees and students are responsible for reading and supporting this policy and cooperating with its procedures, including any investigation that might ensue. Additionally, all employees and students are expected to be aware of the effects of their own behaviour, to challenge disrespectful misbehaviours and to report any incidents witnessed while maintaining confidentiality. It is important not to make false, malicious or vexatious complaints.

3.4 Reporting Issues

UL encourages the UL community to come forward when affected by discrimination, harassment, bullying or victimisation and will strive to instil sufficient confidence in those affected that the reported issues will be dealt with appropriately, fairly and in a timely manner. Complaints will be treated with fairness, sensitivity, respect and confidentiality, and those who make a complaint will not be victimised (see next section).

Disclosures or reports made under this policy are not limited to UL premises or to the immediate geographical location of UL.

While the University provides a range of informal and formal options for resolving issues of discrimination, harassment, bullying and victimisation, it promotes informal options, where appropriate, as the most effective means of doing so.

In exceptional circumstances, UL is obligated under the law to report complaints or disclosures to the Gardaí, even when contrary to the wishes of the complainant – refer to section 3.6 for details.

3.5 Victimisation

Employees and students involved in a complaint will not be penalised, treated less favourably or subjected to other adverse treatment because of pursuing their rights by way of taking action, supporting action or giving notice of intention to take or support action under this policy or under

equality legislation. UL will do all within its power to protect the parties involved in a complaint from intimidation, victimisation or discrimination arising from their involvement in the investigation process. Victimisation or retaliation against a complainant, witness or any other party will constitute a serious disciplinary offence and may result in disciplinary action up to and including dismissal (in the case of an employee) or termination of registration (in the case of a student).

3.6 Confidentiality

Confidentiality is a key principle of this policy and is essential to the integrity of the complaint process. All individuals involved in any process under this policy must keep as confidential any information that is disclosed to them as part of the process with the exception of accessing confidential support services or otherwise as required by law. Any unauthorised disclosure of confidential information will be considered to be a breach of this policy and will be dealt with in accordance with the UL Student Code of Conduct (Student)[17] or in accordance with Statute No. 4: Statute on Disciplinary Matters, Suspension, Termination and Capacity (Employee). Throughout all proceedings, UL will act in compliance with its obligations under the Data Protection Acts 2003-2018.

UL reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect an individual or the wider UL community from harm or to prevent a crime from taking place. For example, UL is obliged to report to the Gardaí complaints or disclosures, contrary to the wishes of the complainant, when the alleged incident involves a child under the age of 18 years or a vulnerable person. In addition, UL is obliged report to the Gardaí incidents that it believes pose a clear and imminent risk to the safety of the complainant or any other person on campus or any other person to whom it owes a duty of care.

3.7 Training

UL recognises the importance of providing appropriate training to ensure that this policy is understood by all employees and students. The University undertakes to put in place a series of training initiatives aimed at combating discrimination, harassment, bullying and victimisation and fostering a culture of dignity and respect. This training will be mandatory for employees of the University. The HR-EDI Office delivers Dignity & Respect Training for students, and they are encouraged to actively participate.

3.8 Risk Assessment

UL assesses the risk of discrimination, harassment, bullying and victimisation occurring in the educational environment and includes in its Safety Statement any necessary preventative measures.

3.9 Right to Representation

UL respects the right of both complainant and respondent to access representation.

Students are entitled to have legal representation if they choose. They should, however, be aware that any costs associated with representation will be solely their responsibility as UL does not cover expenses arising from the disciplinary process.

Employees are entitled to be represented in a support capacity by a work colleague, Unite the Union, or a family member or friend.

[17] Chapter 6 of the Handbook of Academic Regulations and Procedures

4. Procedures

4.1 Complaint by or against a UL Student

The procedures specified below are to be used wherever a complaint of discrimination, harassment or bullying is made by or against a UL student.

4.1.1 General Procedure Statement

It is expected that UL students will normally pursue issues relating to discrimination, harassment or bullying under the informal procedures in the first instance. However, UL recognises that there may be situations where the seriousness of the complaint warrants formal investigation from the outset.

These procedures have been designed to resolve allegations of discrimination, harassment or bullying swiftly and effectively and with minimal distress to all parties involved. In an investigation, all parties involved will be treated with fairness, sensitivity, respect and confidentiality. Additionally, they will be accorded due process throughout.

4.1.2 Timescale

Complainants are advised to make any informal or formal complaint of discrimination, harassment or bullying as soon as possible after the alleged incident to promote the possibility of a timely and effective outcome.

Under this policy, complaints can be made within **six months of the graduation of the student involved in the case** (as complainant or respondent). However, in exceptional circumstances, the Complaint, Vetting & Discipline Unit may extend this period at its discretion.

The focus of the process will not be on the length of time that has passed since the incident but rather on the impact of the delay on the likelihood of a fair investigation being carried out. Based on the information received as part of the investigation, the investigating body can recommend that a fair investigation will not be possible due to the passage of time and in consideration of the following issues:

- The circumstances of the alleged complaint
- The complexity of the alleged complaint
- The cause of the delay

Please note that an incident involving an employee or student no longer affiliated to UL would be difficult to investigate as they would be under no obligation to participate in a UL investigation. In these instances, relevant guidance or instructions will be provided if the complainant wishes to pursue further investigation.

4.1.3 Options Available to the Complainant

UL will not put pressure on a complainant to take a specific course of action and will fully support and respect the complainant's decision to proceed with an informal or formal complaint.

If a student has experienced any form of discrimination, harassment or bullying from another UL student or from a UL employee, they are advised to book an appointment with the relevant union support officer – UL Student Life, Advice and Advocacy Team or Postgraduate Engagement Officer – to initially discuss their experience in the context of this policy. Then, based on the situation and advice received from the relevant support service providers, decide whether to proceed with informal resolution or formal complaint procedures. These two options are as follows:

4.1.3.1 Informal Resolution

Stopping the Behaviour

Seeking an informal resolution may be appropriate when the complainant simply wants the discriminatory act or offensive behaviour to stop, and when the act or behaviour is not of a serious nature. The complainant should, where possible, immediately make it clear to the respondent that the behaviour is unwelcome, unacceptable and offensive. In many instances, this may be sufficient to resolve the problem.

Seeking Advice from a Third Party

The complainant can contact a third party (listed below) to seek informal confidential support and information when such issues arise. Third parties are trained to listen, to be supportive and to discuss the various options that are open to the person concerned. However, Third Parties do not get involved in any way in the complaints procedure and are not advocates for either party.

The third party can be chosen by the complainant from one of the following support service providers:

- UL Student Life, Advice and Advocacy Team
- Student Personal Advisor Support System (PASS) (all students in UL are allocated an academic advisor)
- Student Engagement & Support Officer in each faculty
- Students' Union (Student Life and Postgraduate Students' Union) representative
- UL Chaplaincy

The Dignity & Respect Designated Officer in the Human Rights, Equality, Diversity and Inclusion Office can also be consulted for signposting to the right person.

For supports available to Employees, refer to 4.2.1.1 below.

Records

Whether issues are resolved or unresolved, the third party will record the type of complaint made, the date, the complainant's status (staff/student) without including names, and their gender. These records, which exclude details of discussions, serve as evidence of the UL's response to the informal complaint and its efforts to resolve it. The third party shall forward the record to the Dignity & Respect Designated Officer (Human Rights, Equality, Diversity, and Inclusion Office) for documentation.

Records shall be kept in accordance with GDPR and data protection legislation. In the interests of fairness, all parties to the complaint should be reminded of the need to maintain confidentiality to the greatest possible extent both at this stage and throughout the process.

4.1.3.2 Formal Complaint Procedure

Submission

If an informal approach is deemed inappropriate or if the reported conduct persists after informal procedures have been followed, a formal complaint may be initiated. Formal procedures are invoked in any of the following situations:

a) The complainant wants the complaint to be dealt with formally.
b) The person to whom the complainant reports the allegation considers the complaint to be sufficiently serious to warrant the complaint being dealt with under the formal procedure (having first informed the complainant).
c) Attempts to resolve the matter informally have failed.
d) The conduct complained of continued after the informal procedure was followed.

To invoke the formal complaint procedure for complaints by or against a UL Student, the complainant should complete and submit the online formal complaint form through this link. The complainant should clearly present the primary facts related to the alleged incident in the complaint form. The submitted form will be received by the Complaints, Discipline & Vetting Unit for initial investigation. The complainant will receive a copy of the submitted complaint form and a receipt confirming that it has been received by the Complaint, Discipline & Vetting Unit for initial investigation.

When submitting a complaint, complainants may seek support from one of the following support service providers:

- Dignity & Respect Designated Officer (Human Rights, Equality, Diversity and Inclusion Office) – for signposting to the right person
- UL Student Life, Advice and Advocacy Team
- Student Personal Advisor Support System (PASS)
- Student Engagement & Support Officer in each faculty
- Students' Union (Student Life and Postgraduate Students' Union) representative
- UL Chaplaincy

Any of the above support services will help the complainant to articulate the details of the alleged incident as clearly as possible.

Notification

The Complaints, Discipline & Vetting Unit will review the complaint within five working days of receiving the complaint. The Unit will identify if the respondent is an employee or a student.

When the respondent is a UL employee, the case will be referred to the Director, HR for review in line with section 4.2.6 below.

When the respondent is a student, the Unit will notify the respondent in writing that an allegation of discrimination, harassment or bullying has been made against them. This notification will be provided within five working days of the complaint being submitted or as soon as possible. The respondent will be given a copy of the complainant's statement and will be advised that they are required to respond to the allegation in writing within 20 working days. The complainant will be provided with a copy of this response.

Refer to section 7.3.1 for more details on the complaint submission process.

Investigation

The complaint and response will be examined in detail by the Complaints, Discipline & Vetting Unit within five working days of receiving the response. If a response from the respondent is not submitted within the 20 working days, the Unit will examine the complaint after the 20 working days has elapsed. When the respondent is a student, the case will be forwarded to the University Advocates (as defined in section 1.3.22).The respondent may be the University when the act of discrimination, harassment or bullying occurred at institutional level.

The University Advocates will review the case promptly to determine whether or not this policy or the UL Student Code of Conduct has been breached. To help its deliberations, the University Advocates may request additional evidence from one or both parties. Frequently, the investigation will involve interviewing the complainant and any potential witnesses and reviewing relevant documentary evidence.

As previously defined in section 1.3.20, the burden of proof can be shared between the complainant and the respondent except in proceedings where it is the responsibility of the investigating body (i.e. the Advocates) to investigate the facts. This means that once a complainant provides evidence to prove they have been less favourably treatment on a prohibited ground, the onus is on the respondent to prove that the treatment was not discriminatory.

Determination

After reviewing the complaint and available evidence, the Advocates will determine that

1. the facts of the case do not fall under the definition of discrimination, harassment or bullying as defined in this policy
   or
2. the facts of the case arguably fall under the definition of discrimination, harassment or bullying as defined in this policy

In the event of the latter, the Advocates will ask the respondent to attend a meeting with them. The purpose of this meeting is to complete the investigation by hearing from all involved parties.

Anyone who attends this meeting will be formally cautioned under the Student Code of Conduct (section 2.3 of chapter 6 of the Handbook of Academic Regulations and Procedures) before the meeting proceeds. Attendance at this meeting is not mandatory, and declining to attend will not give rise to any adverse inference.

Outcome

A meeting with the Advocates may clarify that

- no violation of this policy or the Student Code of Conduct has occurred
  or
- this policy or the Student Code of Conduct has been violated, and there is sufficient evidence to prove the alleged incident

In the latter situation, there are two possible outcomes:

- In accordance with the justice of the case, the case may result in a voluntary agreement between the University Advocates and respondent. At the discretion of the Advocates, the issue may be presented for mention to the Discipline Committee (as defined in 1.3.24).
- In the absence of a voluntary agreement or at the discretion of the Advocates, the case will be listed for a full hearing before the Discipline Committee. The Discipline Committee will consider the evidence presented by the University Advocates and make a determination on whether a breach of the relevant policies has occurred. In the event of a determination that a breach of the policies has occurred, the Discipline Committee will consider submissions from the University Advocates in relation to the appropriate penalty to apply.

The University Advocates may make a decision either at the end of the meeting or shortly after the meeting but within 10 working days at the latest.

After the investigation has been completed, the University Advocates or the Discipline Committee (if involved) will report the result to the Complaints, Discipline & Vetting Unit, and the Unit will inform both the complainant and the respondent within a reasonable time period of the outcome and any action to be taken.

Refer to section 7.3.2 for more details on the investigation process.

Precautionary Measures

Pending the outcome of an investigation following the submission of a formal complaint, UL may decide that precautionary measures need to be put in place. A precautionary measure is not a

penalty or a sanction and does not indicate that it has been concluded that the person concerned has committed a breach of discipline or a criminal offence. Rather, precautionary measures may be put in place in the best interests of all parties involved, including witnesses. Decisions in relation to a precautionary measure will be made by the University Advocates. The complainant and respondent will be informed in writing of the decision as it relates to them.

Potential precautionary measures may include the following:

- A voluntary no-contact agreement
- A requirement that the respondent not contact the complainant or specific witnesses
- A requirement that the respondent remain out of specific common areas at specific times
- Alternative time arrangements in lab, study area, etc.
- In cases involving a student and supervisor, the appointment of another supervisor

In the event of an action carrying with it an immediate threat to life or the safety of any person or property, the Provost & Deputy President or person duly authorised to act in their stead may exclude the person who is reasonably suspected of being responsible for such action from access to UL facilities or property pending a formal hearing of any complaint made in that regard (regulation 1.10 of the Student Code of Conduct).

4.2 Complaint against a UL Employee

The procedures specified below are to be used wherever a complaint of discrimination, harassment or bullying is made against a UL employee.

4.2.1 General Procedure Statements

All complaints will be dealt with promptly and in a confidential manner in accordance with the agreed procedures and with due respect for the rights of the parties involved. Furthermore, complaints will be treated with fairness, sensitivity and respect, regardless of how long an employee has been employed by UL and regardless of their role and grade.

4.2.1.1 Support Facilities

The following support facilities are available to any employee involved in discrimination, harassment or bullying:

- HR Business Partners
- Designated Contact Persons
- Employee Support Service
- Employee Relations Team
- UL Unite

A list of Designated Contact Persons and details of the Employee Support Service and Unite the Union are available on the Employee Relations & Support Services section of the HR website.

4.2.1.2 Initial Response to Discrimination, Harassment or Bullying

It is expected that UL employees will normally pursue issues relating to discrimination, harassment or bullying under the informal procedures in the first instance. Furthermore, it is UL policy that incidents or allegations of discrimination, harassment or bullying should, where appropriate and insofar as possible, be dealt with at source by the employee's manager. Where an employee perceives that their concerns relate to an immediate manager, the employee may wish to discuss the matter informally with their manager's manager or with a person at the next level of management.

It is recognised that there may be situations where the seriousness of the complaint warrants formal investigation from the outset.

4.2.1.3 Natural Justice

All parties involved in an investigation will be afforded natural justice and will be treated with fairness and sensitivity and with respect to the need for confidentiality with all parties concerned.

4.2.2 Timescale

Any (informal or formal) complaint of discrimination, harassment or bullying should be made as soon as possible after a person has experienced such behaviour to support a timely and effective outcome but should be made at least within six months of the latest incident of alleged behaviour. However, in exceptional circumstances, this period can be extended by the Director, HR or their nominee. An example of such exceptional circumstances is where the complainant is absent from work due to illness.

4.2.3 Mediation

It is acknowledged that occasionally there may be disputes or disagreements between colleagues which, although they can evoke strong feelings and result in a difficult working environment, may not match the definitions of harassment or bullying as given in section 1.3. While resolving such disputes may be difficult, employees are encouraged to address disputes in a proportionate manner and avail of existing mechanisms, supports and procedures in the process. Parties to such disputes may seek to resolve issues in accordance with the principles of mediation.

Colleagues wishing to avail of mediation should contact the Employee Relations Team or the HR Business Partner assigned to the relevant faculty or division or Unite the Union.

4.2.4 Initial Informal Procedure

4.2.4.1 As a first step, the person should attempt to address an allegation of discrimination, harassment or bullying as informally as possible by means of this initial informal procedure, where appropriate. This response is suitable for non-serious complaints, such as in scenarios where it is likely that the respondent is not even aware that their behaviour is negatively impacting others. It is a very informal mechanism that is designed to be flexible to enable minor complaints to be dealt with quickly. Ideally, this initial informal response would effectively address the unwanted behaviour without recourse to any other action.

4.2.4.2 In situations of this nature, the following steps should be taken to try to resolve the matter:

- In the first instance, the allegation of discrimination, harassment or bullying should be raised by the person who feels discriminated against, bullied or harassed with the person involved but only if they feel comfortable in doing so. This should be done quickly and calmly, focusing on the facts regarding acts done and their consequences.
- If it is more suitable, the person who perceives that they have been discriminated against, harassed or bullied should put their concerns in writing, again focusing on the offending acts and the effects of those acts on them.
- Where the person perceives that their concerns relate to an immediate manager, the person may wish to discuss the matter informally with their manager's manager or with a person at the next level of management.
- In circumstances where the individual finds it difficult to approach the person involved directly, they can seek support or information from a Designated Contact Person, another manager, the HR Business Partner assigned to the relevant faculty or division or a trade union representative.

4.2.4.3 The focus of the above is to seek to resolve the matter informally by agreement without recourse to any other step. An informal discussion is often sufficient to alert the person concerned to the effects of the alleged behaviour and can lead to a greater understanding and an agreement that the behaviour will stop. It can also lead to an explanation of the

original intention of the behaviour or to an agreement to modify the behaviour. On the other hand, it may be that the behaviour is valid and reasonable and that the reaction of the offended party is at odds with the generally accepted understanding of the behaviour.

4.2.5 Secondary Informal Procedure

4.2.5.1 This process may be invoked if the above process is unsuccessful or unsuitable for the seriousness of the issue. This process is more protracted than the initial informal procedure, but it is still informal.

4.2.5.2 If the complainant wishes to invoke the secondary informal procedure, they should raise the issue with their immediate line manager or, if the complaint relates to their line manager, with the next level of management. The complaint may be verbal or written. If verbal, a written statement of complaint should be taken by the immediate line manager or, as appropriate, the manager at the next level of management and signed by the complainant. The appropriate manager should then provide a copy of the statement of complaint within three working days to the HR Business Partner assigned to the relevant faculty or division.

4.2.5.3 The statement of complaint shall be assessed by the HR Business Partner. Where the complaint is assessed to fall within the scope of the Dignity and Respect Policy & Procedure for Students and Employees, progression through the secondary informal procedure will occur where appropriate. In moving to this stage, the HR Business Partner or their nominee will assign a nominated person who has had no prior involvement or conflict of interest, is familiar with the procedures and who has had appropriate training and experience to act as a Nominated Person to deal with the complaint effectively on behalf of UL.

4.2.5.4 The HR Business Partner or their nominee will inform the complainant and respondent that a Nominated Person has been assigned, who the person is and the purpose of their role, and that the person will contact them both directly. The HR Business Partner or their nominee will provide the respondent with a copy of the written statement of complaint in advance.

4.2.5.5 Working with the relevant parties in the process, the Nominated Person assigned to the complaint will attempt to establish the facts, context and the next course of action for dealing with the matter under the informal procedure. The respondent will be asked for their response to the complaint and may provide this verbally or, if they prefer, in writing.

4.2.5.6 A flexible, responsive approach will be taken by the Nominated Person in efforts to resolve the complaint and restore positive working relations. The Nominated Person may meet separately as well as jointly with the parties over one or more meetings. In efforts to resolve the complaint, the Nominated Person will identify a proposal for the consideration of the parties with actions and timeframes established so that both parties can return to a harmonious working environment while the process continues.

4.2.5.7 If it is found that there has been inappropriate behaviour from the respondent, steps should be put in place to stop the behaviour and to monitor it going forward to prevent a reoccurrence. This should include drawing up a plan with agreed actions, which is to be signed by both parties at the final meeting.

4.2.5.8 Consistent with the requirements of fair procedures, all parties to the complaint should be reminded of the need to maintain confidentiality to the greatest extent possible at this stage and throughout the process.

4.2.5.9 The Nominated Person should keep a brief nominal record of all interventions at this stage: the complaint, meetings, action agreed and signed records of the final meeting. The purpose of the records, which do not include details of discussions, is to provide evidence of UL's

response to the complaint and attempt at resolution. Records shall be kept in accordance with GDPR and data protection legislation. All records will be destroyed 12 months after the full conclusion of the process.

4.2.5.10 The Nominated Person should liaise with the HR Business Partner or nominee regarding the completion of the process and advise if any actions are required by UL to ensure the situation is monitored to prevent reoccurrence.

4.2.6 Formal Complaint Procedures

4.2.6.1 If an informal approach is deemed inappropriate or if the reported conduct persists after informal procedures have been followed, a formal complaint may be initiated. Formal procedures are invoked in any of the following situations:

a) The complainant wants the complaint to be dealt with formally.
b) The person to whom the complainant reports the allegation considers the complaint to be sufficiently serious to warrant the complaint being dealt with under the formal procedure (having first informed the complainant).
c) Attempts to resolve the matter informally have failed.
d) The conduct complained of continued after the informal procedure was followed.

4.2.6.2 To invoke the formal complaint procedure, the complainant should complete and submit the online formal complaint form through this link. In circumstances where the submission link is not accessible, this appeal form can be completed by either the Complainant or the Respondent and emailed to DignityResp.Employee@ul.ie (when the Respondent is an employee). The complainant should clearly present the primary facts related to the alleged incident in the complaint form. The submitted form will be received by the Employee Relations Team and will then be forwarded to the Director, HR. The complainant will receive a copy of the submitted complaint form and a receipt confirming that it has been received by Employee Relations.

4.2.6.3 When a formal complaint has been submitted by a student against a UL employee, the Complaints, Discipline & Vetting Unit will refer the complaint to the Director, HR in line with section 4.1.3.2 above.

4.2.6.4 The Director, HR will review the complaint within five working days of receiving the complaint. The Director, HR or their nominee will identify and notify the respondent in writing that an allegation of discrimination, harassment or bullying has been made against them. This notification will be sent to the respondent within five working days of receipt of the complaint by the Director, HR or their nominee or as soon as possible thereafter. The respondent will be given a copy of the complainant's complaint form and will be informed that a preliminary screening will commence.

4.2.6.5 Once a formal complaint form is received, a preliminary screening of the detail contained within the complaint form will be carried out by the Director, HR or their nominee within 10 working days.

4.2.6.6 The purpose of the preliminary screening process is to make an initial decision as to whether the alleged behaviour, which is the subject of the complaint, falls within the definition and scope of discrimination, harassment or bullying as given in section 1.3 above with a view to determining an appropriate course of action.

4.2.6.7 This preliminary screening will be based exclusively on a desk-based review of the written details of the complaint. It is not intended to establish whether the behaviour actually occurred and, therefore, there are no meetings with the parties to the complaint or other

witnesses during the preliminary screening process. However, the Director, HR or their nominee reserves the right to seek clarification from the complainant in relation to any aspect of their complaint or to seek legal advice.

4.2.6.8 Proceeding to a formal process should not be viewed as automatic, and it is important to recognise that any decision to do so is reasonable and evidence based. If deemed appropriate following preliminary screening, the Director, HR or their nominee may seek to resolve the matter through the informal procedures or mediation or through an alternative resolution method, such as the Grievance Policy.

4.2.6.9 Should informal processes be deemed to be inappropriate or inconclusive, a formal investigation of the complaint will take place with a view to determining the facts and the credibility or otherwise of the allegation(s).

4.2.6.10 The Director, HR or their nominee will advise both the complainant and respondent of the outcome of the preliminary screening process within five working days.

4.2.6.11 Formal complaints against a UL Employee will be investigated in line with the Dignity & Respect, Sexual Violence & Harassment Formal Complaints Investigation Procedure.

4.3 Appeal against the Formal Complaint Decision

4.3.1 If a complainant or respondent is dissatisfied with the outcome of the formal complaint, they have the right to appeal the outcome on either of the following grounds:

- A material procedural irregularity demonstrably affected the outcome. In this instance, the appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. It should be noted that an appeal is not a re-hearing of the original issues.
- There is material new information that one of the parties was unable, for valid reasons, to provide when the matter was being investigated and that would have significantly affected the outcome.

4.3.2 If a Complainant or Respondent chooses to appeal, they must comply with the following conditions:

- The appeal must be completed and submitted within 10 working days of receiving notification of the outcome of the investigation.
- Where the Respondent is a UL employee, the appeal should be submitted via this link. In circumstances where the submission link is not accessible, the appeal form, appended at Section 7.2 below, can be completed by the Appellant and emailed to DignityResp.Employee@ul.ie.
- Where the Respondent is a student, the appeal should be submitted via this link. In circumstances where the submission link is not accessible, the appeal form, appended at Section 7.2 below, can be completed by the Appellant and emailed to DignityResp.Student@ul.ie .
- The appeal form must provide sufficient detail on the grounds for the appeal. Failure to submit the form by the deadline will mean that this internal procedure is concluded.
- The relevant supporting documents must be uploaded along with the appeal form.

4.3.3 The appeals procedure for employees is as outlined in the Dignity & Respect, Sexual Violence & Harassment Formal Complaints Investigation Procedure.

4.3.4 The appeals procedure for students is as follows:

- Once it receives the appeal, the Complaints, Discipline & Vetting Unit will forward the appeal to the Discipline Appeals Committee for consideration. The Discipline Appeals Committee will consider the request and conduct investigations. The Discipline Appeals Committee's decision, which is final, will be communicated to both parties.
- The reasoned decision of the Discipline Appeals Committee will be announced by the Chairperson in the presence of the parties.
- The Office of the Provost & Deputy President will confirm in writing the reasoned decision of the Discipline Appeals Committee within five working days of the hearing. A copy of the reasoned decision will be sent to the appellant. The complainant will be notified of the outcome of the hearing.

Refer to section 7.3.3 for more details on the student appeals process.

4.4 Vexatious or Malicious Complaints

If a complaint is found to be vexatious or malicious, the complainant may be subject to disciplinary action. Such a complaint will generally be treated as misconduct under the UL Student Code of Conduct (student) or Statute No. 4: Statute on Disciplinary Matters, Suspension, Termination and Capacity (employees).

Please note that where a complaint is not upheld following a formal investigation, this does not necessarily indicate that the complaint was false, malicious or vexatious. The application of this provision should not in any way deter students or employees from bringing forward legitimate complaints.

4.5 Withdrawal of Complaints

From time to time, complainants may seek to withdraw their complaint after initiating a formal investigation. A complaint can be withdrawn by emailing the Complaints, Discipline & Vetting Unit at DignityResp.Student@ul.ie (when the Respondent is a UL Student) or Human Resources at DignityResp.Employee@ul.ie (when the Respondent is a UL Employee).

In the event of a complaint being withdrawn by the complainant, UL reserves the right to investigate the claim or the reason for its withdrawal. At its discretion, UL may conduct an investigation in the interests of each party involved or in consideration of its duty of care.

4.6 Anonymous Complaints

Investigations into anonymous complaints are often limited and inconclusive and can be unfair to the person against whom an anonymous complaint is made. Whilst the University reserves the right to process anonymous complaints due to the seriousness of the issue(s) raised, in general to ensure fairness to all parties involved and to ensure due process, UL will not process anonymous complaints or accept testimony from anonymous witnesses.

However, members of the UL community who wish to report incidents of discrimination or harassment anonymously can use the Speak Out Tool to alert the University, it is important to note that although this platform raises awareness of ongoing incidents, it does not trigger the investigation process.

4.7 Investigations by An Garda Síochána

Where the complainant identifies a breach of this policy that constitutes a potential criminal offence or an immediate threat to safety, they have the right to report the matter to the Gardaí. Individuals should also inform UL through school/department/division heads so that appropriate steps can be taken and support provided.

Should a complaint submitted to UL be investigated by An Garda Síochána, the University reserves the right to suspend its own investigation, based on the individual facts of the case, until the investigation by An Garda Síochána has come to an end. Once UL is notified by the complainant that the Garda investigation has been completed, its investigation will commence.

Furthermore, An Garda Síochána may request that UL's internal investigation be suspended until An Garda Síochána states that the internal investigation can resume. UL will keep the situation under review. The complainant and respondent will have the right to contest this decision, which will be considered by UL.

4.8 Monitoring and Reviewing This Policy

UL is committed to reviewing this policy every two years to align with changes in the law, relevant case law, UL's experience of implementing the policy, feedback from people's experiences, and any other external factors or developments that are relevant. The review process will be conducted by the Human Rights, Equality, Diversity and Inclusion Office and the Director, HR Office in consultation with the Associate Vice President Academic Affairs, Unite the Union and other key stakeholders.

5. Related Documents

- UL Human Rights, Equality, Diversity and Inclusion Strategy 2023-2027
- UL Sexual Violence and Harassment (SVH) Policy for Students and Staff
- Dignity & Respect, Sexual Violence & Harassment Formal Complaints Investigation Procedure
- UL Student Code of Conduct (chapter 6 of the Handbook of Academic Regulations and Procedures)
- Policy and Procedures for Workplace Dignity and Respect
- UL Child Safeguarding Statement
- UL Child Protection Guidelines
- UL Safety Statement

6. Support Services

6.1 Internal Support Services

- UL Student Life Support Services
- UL Student Life, The Advice Team Student Personal Advisor Support System (PASS)
- Student Engagement & Support Officer in each faculty
- Students' Union (Student Life and Postgraduate Students' Union) representative
- UL Chaplaincy
- Student Counselling Service
- Disability Services
- Student Health Centre
- Dignity & Respect Designated Officer (Human Rights, Equality, Diversity and Inclusion Office)
- HR Business Partners
- Unite the Union
- Designated Contact Persons
- Employee Support Service
- Employee Relations Team

6.2 External Support Services

- Doras
- GOSHH
- Limerick Mental Health
- Mid-West Aries
- Pieta
- Move Ireland (Men Overcoming Violence)
- Samaritans

7. Appendices

7.1 Complaint Form

The form below is included for illustrative purposes only. The online form is available: HERE (Where the Complainant or Respondent is a UL Student) or HERE (Where the Complainant and Respondent are UL Employees)

Dignity and Respect Policy and Procedures for Students and Employees
Formal Complaint Form

This form is used for reporting incidents relating to discrimination, harassment or bullying as defined in the Dignity and Respect Policy and Procedures for Students and Employees.	
1. Complainant Information	
Full name	
University ID number	
Address	
Contact email	
Contact phone number	
Which UL community category applies to you?	– Student – Employee – Other
Protected Grounds Please select the characteristics (grounds) that may have been a factor in the incident you're reporting. Select all the grounds that apply. (You can find the definition of protected grounds in the Dignity and Respect Policy and Procedures for Students and Employees under Definitions.)	– Gender – Civil status – Family status – Age – Disability – Sexual orientation – Race – Religion – Membership of the Traveller community
2. Respondent Information	
Full name	
University ID number (if known)	
Contact email	
Contact phone number	
Which category best describes the respondent?	– Student – Employee – Institution (UL) – Other
3. Witness Information (if applicable)	
Full name	

University ID number (if known)	
Contact email	
Contact phone number	
Which UL community category best describes the witness?	– Student – Employee – Other – Not a UL community member
4. Incident Details	
Date of incident(s)	
Time of incident(s)	
Location of incident(s):	
In your opinion, which option best describes the behaviour displayed in the incident(s)? (Please select all options that apply.)	– Discrimination – Harassment – Bullying – Not sure
Describe the incident(s). (Please provide as much detail as possible, including what happened, who was involved, and if there were any witnesses.)	
Select and upload any documentation (if available) that supports your complaint.	– Documents – Emails – Text messages – Screenshots – Photos – Other (please specify):
5. Informal Resolution	
Have you attempted to resolve the issue through the informal complaint procedure?	– Yes, but it was not successful. – No, I prefer to make a formal complaint.
6. Support Services	
Have you liaised with any UL support service in relation to the incident?	– Yes – No
If yes, please select the relevant support service. Select all applicable options.	– HR Business Partners – Unite the Union – Designated Contact Persons – Employee Support Service – Dignity & Respect Designated Officer – UL Student Life Support Services – UL Student Life, The Advice Team – Student Personal Advisor Support System (PASS) – Faculty Student Engagement & Support Officer – Students' Union (Student Life and Postgraduate Students' Union) representative – UL Chaplaincy – Student Counselling Service

	– Disability Services – Other (please specify):
7. Optional Questions	
The following questions are optional, but your responses will assist the investigating body in identifying the intersectional nature of the complaint. (Please refer to the Definitions section of the Student Dignity & Respect Policy and Procedures for a definition of intersectionality.)	
Do you consider yourself to have a disability within the definition of the Disability Act 2005? The Disability Act 2005 defines disability in relation to a person as "a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment"	– Yes – No – Prefer not to say
What is your ethnic group/background?	– White – White Irish – Irish Traveller – Roma – Any other White background – Black or Black Irish – African – Any other Black background – Asian or Asian Irish – Chinese – Indian, Pakistani, Bangladeshi – Any other Asian background – Middle Eastern/North African (Arab/Persian/Turk/Kurd/Afghan) – Other, including mixed-group background – Mixed (please specify): – Other (please specify): – Prefer not to say
How do you describe your gender?	– Male – Female – Non-binary – Prefer not to say
Do you identify as transgender?	– Yes – No – Prefer not to say
What is your sexuality?	– Heterosexual – Asexual – Bisexual – Gay/lesbian (homosexual) – Transgender – Queer – None of the above – Prefer not to say

Which best describes your religious affiliation?	– Non-religious – Atheist – Roman Catholic – Anglican or member of the Church of Ireland – Orthodox Christian – Protestant – Presbyterian – Muslim – Jewish – Other – Prefer not to say

8. Declaration

I certify that the information provided in this complaint form is true and accurate to the best of my knowledge. I understand that providing false information may result in disciplinary action. I consent to UL using the information provided in this form to investigate and resolve this complaint. I also consent to the information being shared with the investigating team and decision-making bodies and, at the discretion of University of Limerick, with the respondent.

Signature: _____

Date: _____

9. Submission Instructions

Please click the Submit button at the end of this online form to submit the completed form. Please refer to the Dignity and Respect Policy and Procedures for Students and Employees for further guidance and assistance on the complaint process.

Note: In circumstances where the submission link is not accessible, this complaint form can be emailed to emailed along with attached supporting documents to:

DignityResp.Employee@ul.ie (Where the Complainant and Respondent are UL Employees)

DignityResp.Student@ul.ie (Where the Complainant or Respondent is a UL Student)

Thank you for your cooperation in upholding University of Limerick's commitment to creating a safe, inclusive and respectful environment for all members of the UL community.

7.2 Appeal Form

The form below is included for illustrative purposes only. The online form is available:
HERE (Where the Respondent is a UL Employee), or HERE (Where the Respondent is a UL Student)

Dignity and Respect Policy and Procedures for Students and Employees Appeal Form

This form is to be completed online and submitted via the provided link within 10 working days of receiving the investigation outcome notification. Failure to meet the deadline concludes the internal procedure.

1. Appellant Information	
Case reference number	
Appellant name	
Appellant UL ID number	
Address	
Contact email	
Contact phone number	
2. Reason for Appeal	
1. Specify any procedural irregularities affecting the outcome. Explain why you believe the investigation was not conducted fairly or correct procedure was not followed.	
2. Provide new information that was unavailable during the investigation and that you believe would significantly affect the outcome.	
Upload supporting documentation (if any)	

3. Declaration

I certify that the information provided in this appeal form is true and accurate to the best of my knowledge. I understand that providing false information may result in disciplinary action. I consent to UL using the information provided in this form to investigate and resolve this appeal. I also consent to the information being shared with the investigating team and decision-making bodies and, at the discretion of University of Limerick, with the other parties involved in the case.

Signature: _____

Date: _____

4. Submission Instructions

Please click the Submit button at the end of the online form to submit the completed form.

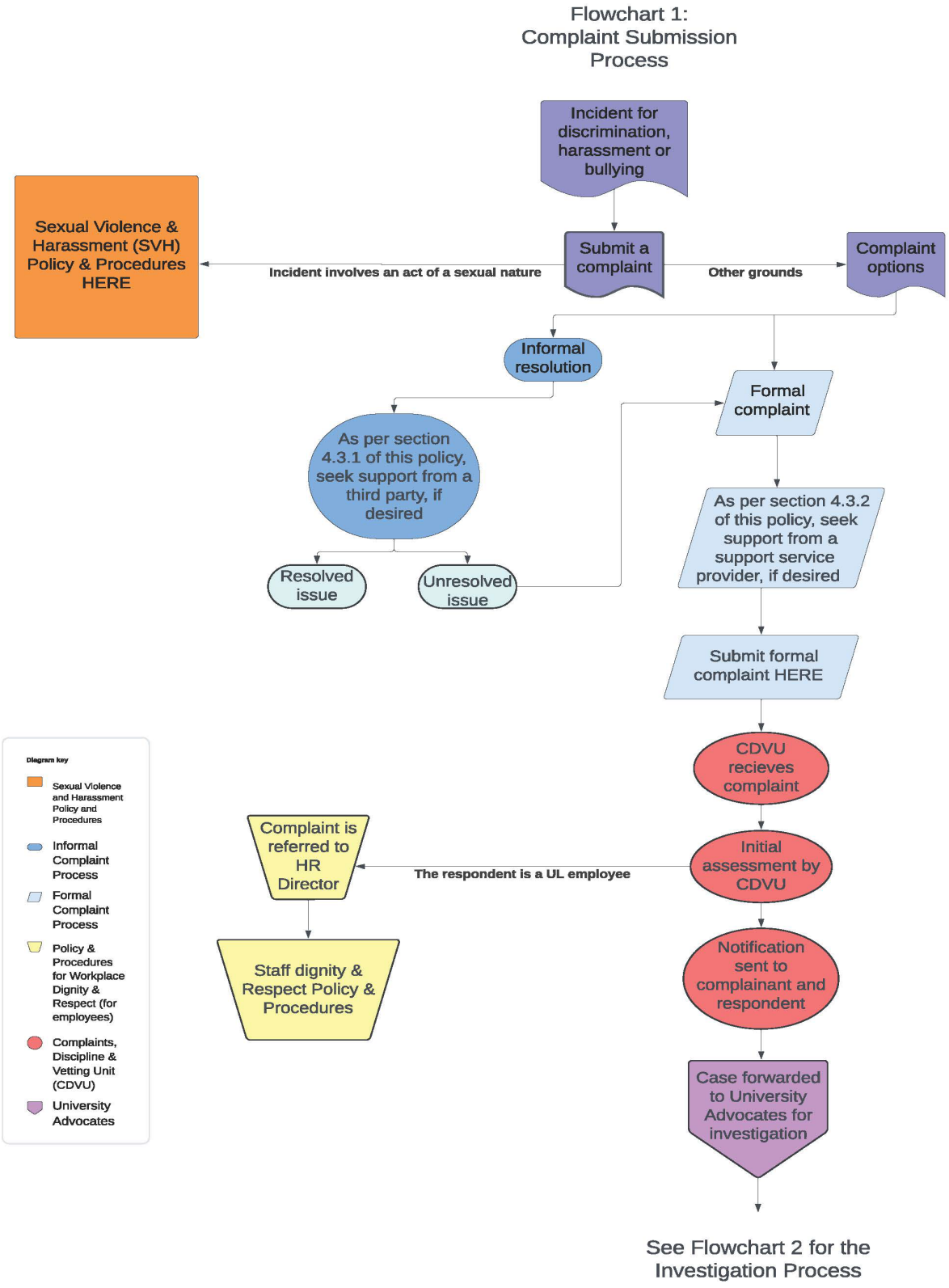
Note: In circumstances where the submission link is not accessible, this complaint form can be emailed along with attached supporting documents to:

DignityResp.Employee@ul.ie (when the Respondent is a UL Employee)
DignityResp.Student@ul.ie (when the Respondent is a UL Student)

Thank you for your cooperation in upholding University of Limerick's commitment to creating a safe, inclusive and respectful environment for all members of the UL community.

7.3 Process Flowcharts

7.3.1 Student Complaint Submission Process



Text outline description.

Flowchart 1: Students Complaint Submission Process

1. **Incident for discrimination, harassment or bullying (Node1)**
2. **Submit a complaint (Node 2)**
    a. **Node 2 option 1: (Incident involves an act of a sexual nature) Sexual Violence & Harassment (SVH) Policy & Procedures**
    b. **Node 2 option 2: (Other grounds) Complaint Options (Node 3)**
3. **Complaint options (Node 3)**

a. **Node 3 option 1: Informal resolution (Node 4)**

b. **Node 3 option 2: Formal complaint (Node 5)**

4. **Node 4 option: As per section 4.3.1 of this policy, seek support from a third party, if desired.**

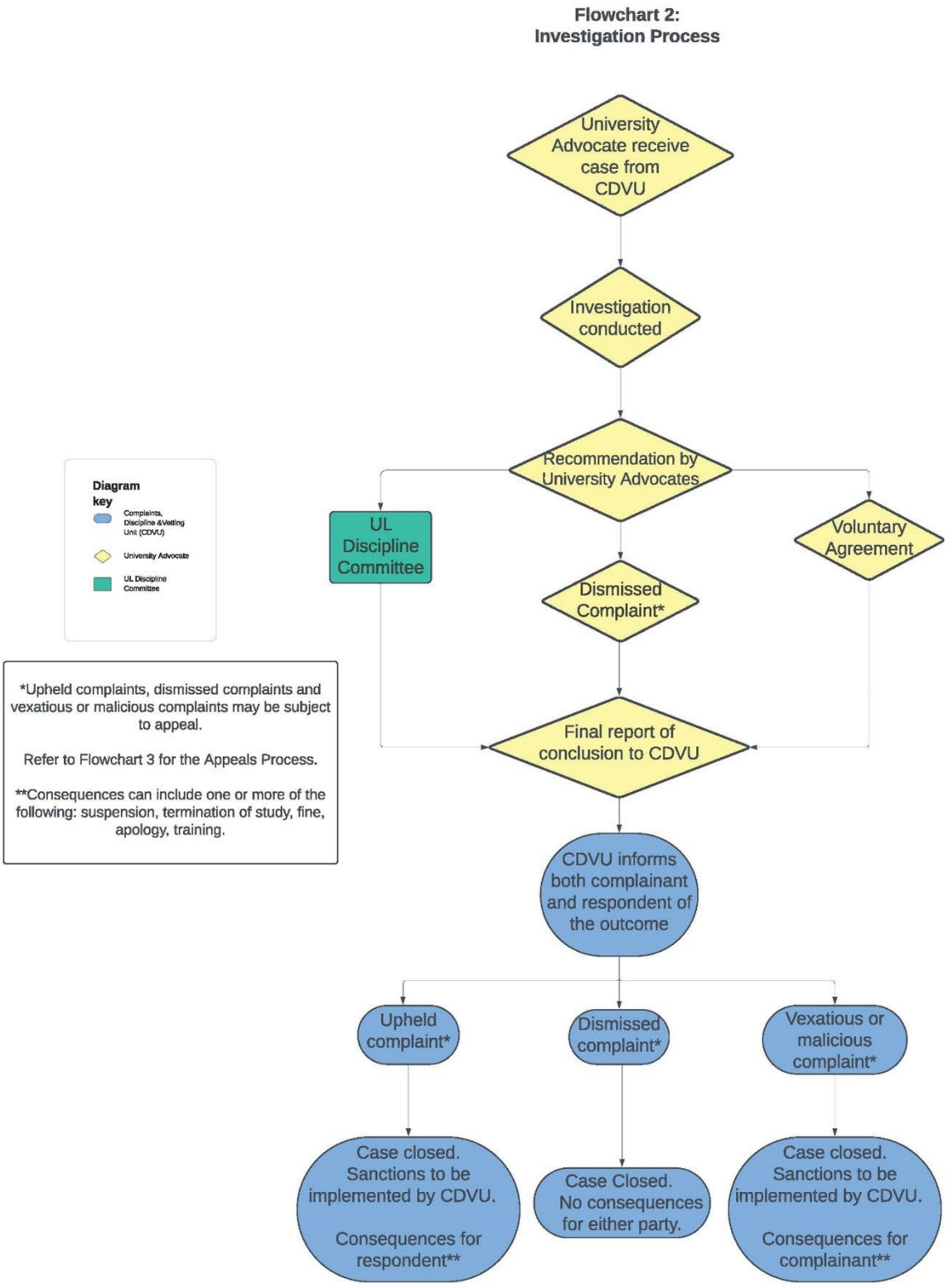
i. Resolved issue.

ii. Unresolved issue (Go to Node 5)

5. **As per section 4.3.2 of this policy, seek support from a support service provider, if desired (Node 6)**
6. **Submit formal complaint Here (Node 7)**
7. **CDVU receives complaint (Node 8)**
8. **Initial assessment by CDVU (Node 9)**
    a. **Node 9 option 1: Complaint is referred to HR Director**
    - Staff Dignity & Respect Policy & Procedures HERE

    b. **Node 9 option 2: Notification sent to complainant and respondent.**
    - Case forwarded to University Advocates for investigation

7.3.2 Students Investigation Process



Text outline description.

Flowchart 2: Students Investigation Process

1. **University Advocates receive case from CDVU (Node 1)**
2. **Investigation conducted (Node 2)**
3. **Recommendation by University Advocates (Node 3)**

a. **Node 3 Option 1**
- Voluntary agreement. If yes go to 4. Final Report of conclusion to CDVU. If not, go to Node 3 Option 2.

b. **Node 3 Option 2**
- Dismissed complaint [See Note 1]. If yes go to 4. Final Report of conclusion to CDVU. If not, go to Node 3 Option 3.

c. **Node 3 Option 3**
- Final report of conclusion to CDVU. If yes go to 4. Final Report of conclusion to CDVU. If not, go back to Node 3 Option 1.

4. **Final report of conclusion to CDVU (Node 4)**
5. **CDVU informs both complainant and respondent of the outcome (Node 5)**

a. **Node 5 Option 1 - Upheld complaint [See Note 1].**
- Case closed, Sanctions to be implemented by CDVU, Consequences for respondent [See Note 2]. If yes, end. If the outcome is not acceptable, go to Node 5 Option 2.

b. **Node 5 Option 2 -Dismissed complaint [See Note 1].**
- Case closed, No consequences for either party. If yes, end. If the outcome is not acceptable, go to Node 5 Option 3.

c. **Node 5 Option 3 - Vexatious or malicious complaint [See Note 1]**
- Case closed, Sanctions to be implemented by CDVU, Consequences for complainant [See Note 2]. If yes, end. If not the outcome, go to Node 5 Option 1.

Notes:

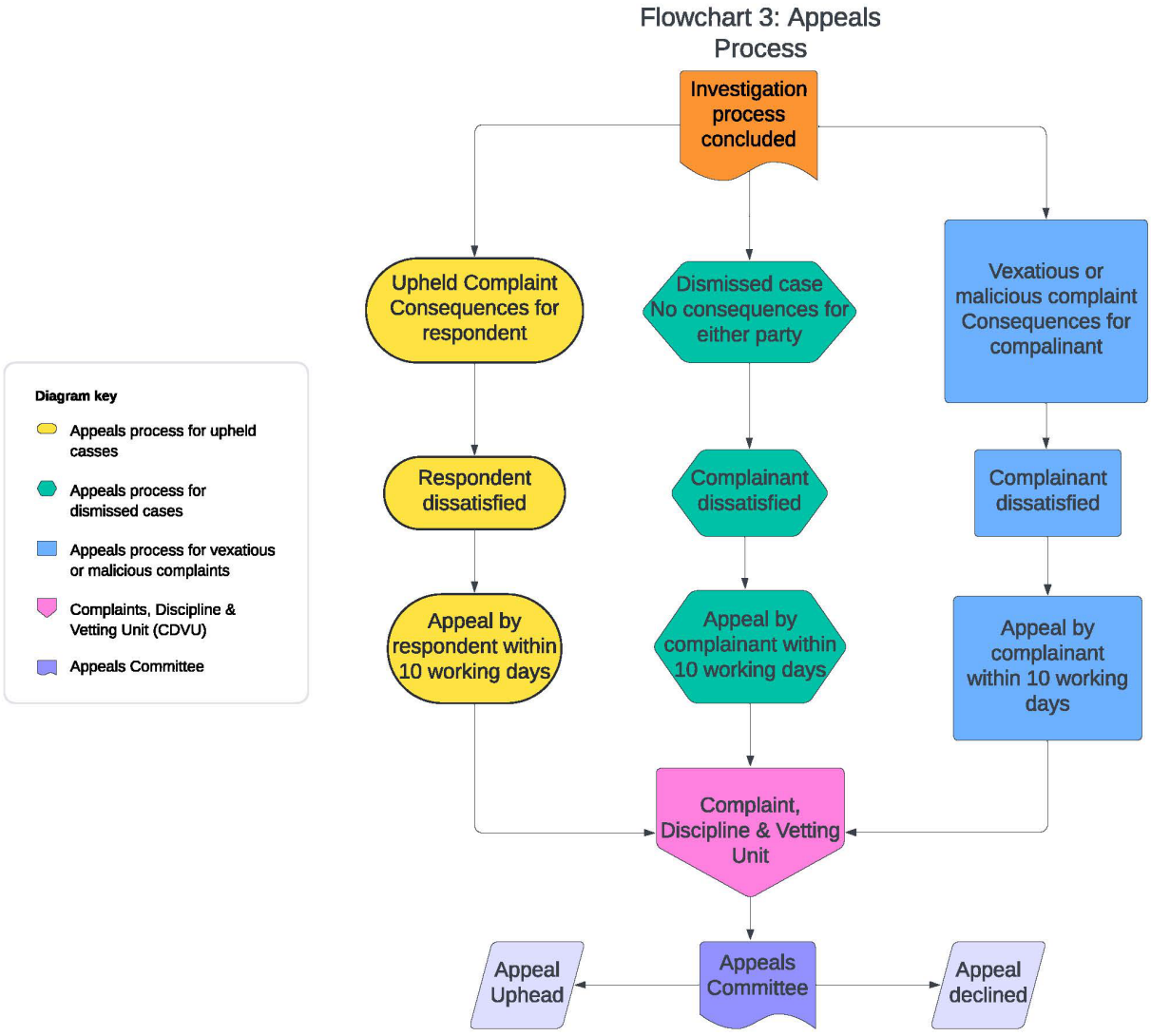
Note 1:

Upheld complaints, dismissed complaints, and vexatious or malicious complaints may be subject to appeal. Refer to Flowchart 3 for the Appeals Process.

Note 2:

Consequences can include one or more of the following: suspension, termination of study, fine, apology, training.

7.3.3 Student Appeals Process

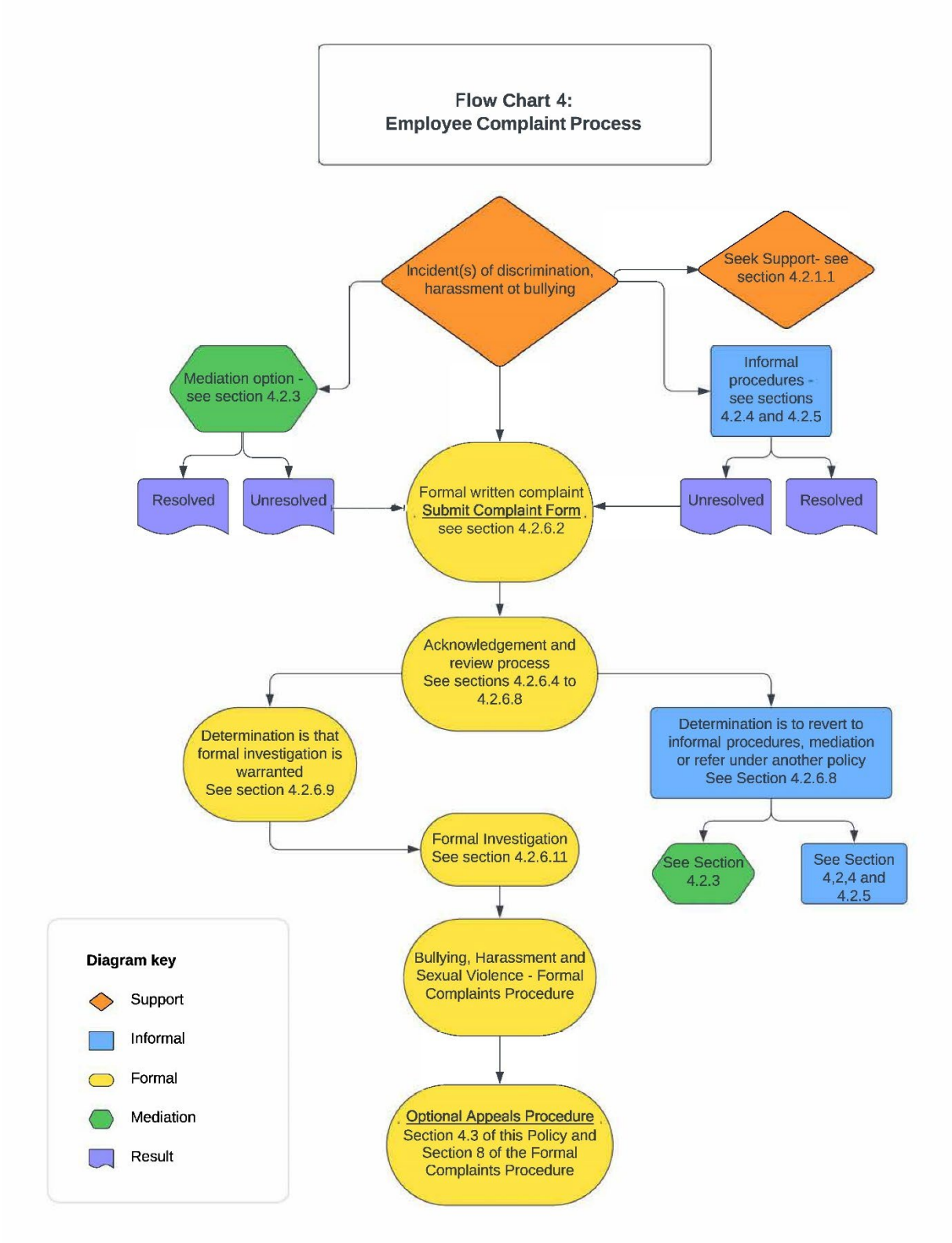


Text outline description.

Flowchart 3: Students Appeals Process

1. **Investigation process concluded (Node 1)**
    a. **Node 1 Option 1: Upheld complaint. Consequences for respondent**
    - Respondent dissatisfied
    b. **Node 1 Option 2: Dismissed case. No consequences for either party**
    - Complainant dissatisfied
    c. **Node 1 Option 3: Vexatious or malicious complaint. Consequences for complainant.**
    - Complaint dissatisfied
2. **Appeal by respondent within 10 working days (Node 2)**
3. **Complaint, Discipline & Vetting Unit (Node 3)**
4. **Appeals Committee (Node 4)**
    a. **Node 4 Option 1: Appeal Upheld**
    b. **Node 4 Option 2: Appeal Declined**

7.3.4 Employee Complaint Process



Text outline description.

Flowchart 4: Employee Complaint Process.

1. **Incident(s) of discrimination, harassment or bullying (Node 1)**

a. **Node 1 Option 1: see support – see section 4.2.1.1(Node 2)**

b. **Node 1 Option 2: Informal procedures – see sections 4.2.4 and 4.2.5 (Node 3)**

- Node 3 Option 1: Unresolved (Node 6)
- Node 3 Option 2 Resolved (Node 7)

c. **Node 1 Option 3: Formal written complaint <u>Submit Complaint Form</u>** See section 4.2.6.2 (Node 4)

- **Node 4: Acknowledgement and review process** see section 4.2.6.4 and 4.2.6.8 (Node 10)

d. **Node 1 Option 4: Mediation option** – see section 4.2.3 (Node 5)

- Node 5 Option 1: Unresolved (Node 8)
- Node 5 Option 2: resolved (Node 9)

8. **Node 6 and Node 8:** Back to Node 4

2. **Node 10 Option 1: Determination is that formal investigation is warranted** see section 4.2.6.9 (Node 11)

3. **Node 10 Option 2: Determination is to revert to informal procedures, mediation or refer under another policy** see section 4.2.6.8 (Node 12)

- Node 12: Back to Node 3 and Node 5

4. **Node 11: Formal investigation,** see section 4.2.6.11 (Node 13)

5. **Node 13: Bullying, Harassment, sexual harassment and sexual violence – Formal Complaints Procedure** (Node 14)

6. **Node 14: <u>Optional Appeals Procedure</u>** Section 4.3 of this policy and Section 8 of the Formal Complaints Procedure (Node 15)

8. Document Control

Document Version	1.3
Document Owner	Director of Human Rights, Equality, Diversity and Inclusion and Director, Human Resources
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Date	18 September 2024
Consulted with	UL Unite
Date	23 October 2024
Approved by	People & Culture Committee
Date	21 November 2024
Approved by	Governing Authority
Date	28 January 2025
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Scheduled Review Date	Two years from approval date
Version update	10 June 2026 – update of link.