



UNIVERSITY *of* LIMERICK

O L L S C O I L L U I M N I G H

**POLICY AND PROCEDURES FOR STUDENT
DIGNITY AND RESPECT**

Approved by Governing Authority 29 November 2013

1. POLICY STATEMENT

- 1.1 The University of Limerick is committed to the development and maintenance of a positive learning environment in which all employees and students are treated with dignity and respect. In pursuit of this, it is the policy of the University to provide all employees and students with an environment that is free from any form of bullying.
- 1.2 All members of the campus community have a responsibility to themselves and to their fellow students and colleagues in the University to contribute positively to an organisation in which everybody is treated with dignity and respect.
- 1.3 This policy applies:
 - (a) where the complainant is a student and the respondent is either a student or an employee of the University and
 - (b) where the complainant is an employee of the University and the respondent is a student of the University.
- 1.4 The University will take appropriate disciplinary action, with penalties up to and including expulsion/ dismissal, against those who are found to be in contravention of this policy.

2. BULLYING

- 2.1 Bullying can affect the health, confidence, morale and performance of those affected by it. In addition to being a violation of University policy, many forms of bullying are unlawful and unfairly interfere with the opportunity for all employees and students to participate in a comfortable and productive working and learning environment.
- 2.2 **Forms of Bullying**
 - 2.2.1 Bullying may be manifested in a variety of forms. The following are **some examples** of bullying when carried out on a repeated basis. This is not an exhaustive list:
 - Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property;
 - Shouting, public reprimands, instantaneous rages;
 - Constant unjustified criticism;
 - Unwelcome jokes, remarks, offensive language, threats, insults;
 - Exclusionary or isolating behaviour;
 - Use of Email and mobile phone texting as potential tools for bullying.

3. COMPLAINT PROCEDURES

- 3.1 The following procedures are set out in support of the University's policy and will be utilised wherever an allegation of breaching the "Student Dignity and Respect at the University of Limerick" policy is made against a University student or employee by a student of the University. These procedures will be utilised also where an allegation of breaching the Policy is made against a student of the University by an employee of the University.
- 3.2 All complaints will be dealt with promptly and, insofar as is possible, in a confidential manner, in accordance with the agreed procedures.
- 3.3 In the event of a complaint being withdrawn by the complainant, the University may investigate the issue in the interests of each party involved.
- 3.4 It is expected that all students of the University of Limerick should normally pursue issues in relation to bullying under the informal procedures in the first instance. However, it is recognised that there may be situations where the seriousness of the complaint warrants formal proceedings from the outset.

4. INFORMAL COMPLAINT PROCEDURE

- 4.1 This stage is appropriate where the student simply wants the offensive behaviour to stop and where the bullying is not of a more serious nature.
- a) The complainant should, where possible, immediately make it clear to the respondent that the behaviour is unwelcome, unacceptable and offensive. This may be sufficient in many instances to resolve the problem.
- b) The complainant may seek support from a friend, a Students' Union representative or Student Advisor/Class Representative, the Chaplaincy Team and/or from a Student Counsellor. The aim of the support will be to assist the complainant to deal with and raise the issue informally, effectively and constructively at source.
- c) If this approach does not lead to a resolution of the matter or if the complainant does not wish to seek such support s/he may raise the matter as follows:
- i) Where the respondent is a student(s), the complainant may wish to raise the matter with the Class Representative/Students' Union or with a member of the University staff with a view to seeking assistance from them in resolving the matter locally;
- ii) Where the respondent is an employee(s), the complainant may wish to raise the matter with the respondent's manager with a view to seeking assistance from them in resolving the matter locally.
- 4.2 If it is not possible to resolve the matter through the informal procedure in a manner that is acceptable to the complainant, then the complaint should be pursued through the formal complaints procedure.

5. FORMAL COMPLAINT PROCEDURE

- 5.1 The Formal Complaint Procedure is designed to try to resolve formal complaints of bullying swiftly and effectively with a minimum amount of distress to all parties. Formal procedures are followed :
- a) If the complainant wants the complaint to be dealt with formally; or
 - b) If the person to whom the complainant reports the allegation considers the complaint to be of sufficient seriousness to warrant the complaint being dealt with under the formal procedure (having first informed the complainant); or
 - c) If attempts to resolve the matter pursuant to the Informal Procedure have failed; or
 - d) If the conduct complained of has continued after the Informal Procedure was followed.
- 5.2 To invoke the Formal Complaint Procedure, the complainant should submit a formal complaint in writing to the Vice President Academic & Registrar (VPA&R) where the respondent is a student and to the manager where the respondent is an employee of the University. The formal complaint should be submitted within 30 days (i.e. one calendar month) of the latest bullying incident occurring. The 30 day deadline may be extended in exceptional circumstances. In such cases, a written recommendation should be submitted by the complainant's medical practitioner. The complaint should be confined to the precise details of the alleged incidents of bullying.
- 5.3 Where the respondent is an employee of the University, the relevant manager will report the complaint to the Director, Human Resources within 5 working days of receipt of the complaint.
- 5.4 The VPA&R/Director, Human Resources, or their nominee as appropriate will notify the respondent in writing that an allegation of bullying has been made against him/her. This notification will be provided within 10 working days of the complaint being submitted, or as soon as possible thereafter in exceptional circumstances. The respondent will be given a copy of the complainant's statement and will be advised that s/he is required to respond to the allegation in writing within 20 working days. The complainant will be provided with a copy of this response.
- 5.5 The complaint and response will be examined initially by the VPA&R where the respondent is a student(s) or by the Director, Human Resources where the respondent is an employee(s) of the University.
- 5.6 If deemed appropriate the VPA&R /Director, Human Resources, or their nominee may seek to resolve the matter informally with the assistance of a third party if necessary.

5.7 Where a formal investigation is deemed to be warranted by the VPA&R/Director of Human Resources, or their nominee, then s/he will appoint an external investigator and will notify the parties involved of the basis of the investigation and the procedures to be followed.

6. INVESTIGATION

6.1 The purpose of the investigation is to determine the facts and the credibility or otherwise of the complaint. In general, it is expected that the investigation will be completed within 8 weeks of the appointment of the Investigator. Where this is not possible, the parties will be advised of the circumstances and updated as appropriate.

6.2 The investigation will be carried out with due respect to the rights of both the complainant and the respondent and will, insofar as is reasonably practicable, be carried out with the minimum of delay, consistent with fairness and due process to both parties.

6.3 The complainant and the respondent will be interviewed separately. While the complainant and respondent will be interviewed directly they may be accompanied at all investigation interviews by a friend, student advisor, colleague or union representative as appropriate.

6.4 The Investigator may meet with any other person(s) who can assist with the investigation. The purpose of such meetings is to establish the facts and all discussions will be confidential insofar as is reasonably practicable. It is a requirement that all parties involved maintain confidentiality. Information is however, subject to any limits or disclosure requirements imposed by law, by this procedure or by the Freedom of Information Acts 1997 and 2003 and the Data Protection Acts 1998-2003.

6.5 Having gathered and considered all relevant information, the Investigator will be required to produce a written reasoned report setting out his/her findings. The report will stipulate whether or not the complaint of bullying has been substantiated. Where it is found that bullying has taken place, the Investigator will note the extent of the behaviour i.e. mild, moderate or serious bullying. The Investigator's draft report will be sent to both parties for an opportunity to correct any factual errors. Both parties will have ten working days to respond.

6.6 The Investigator's Report will be forwarded to the VPA&R where the respondent is a student of the University or to the Director, Human Resources where the respondent is an employee of the University. The VPA&R /Director, Human Resources will initiate the appropriate course of action based on the findings of the report.

6.7 If at the end of the investigation the complaint is substantiated, the student Code of Conduct or the University Statute on Employee Disciplinary Matters and Termination of Employment as appropriate may be invoked and disciplinary action may be taken.

- 6.8 In some circumstances disciplinary action may be inappropriate. Alternative measures may include training, counselling and/or a period of monitoring and appraisal. Should these actions prove unsatisfactory, disciplinary action may then be invoked.
- 6.9 The VPA&R/Director, Human Resources, or their nominee as appropriate, will inform both the complainant and the respondent within a reasonable period of the action to be taken.
- 6.10 The findings of the report of the Investigator are final and cannot be appealed.
- 6.11 If, following the investigation, the complaint has been substantiated and disciplinary action imposed, the respondent has the right to appeal against the disciplinary action in the normal way under the appeal procedure provided for in the student Code of Conduct or the University Statute on Employee Disciplinary Matters & Termination of Employment.
- 6.12 The University will do all in its power to protect the parties involved in these procedures from intimidation, victimisation or discrimination resulting from their involvement in the investigation process.

7. VEXATIOUS COMPLAINTS

- 7.1 If a complaint made by a student is found to be false, malicious or vexatious, the complainant may be the subject of disciplinary action. Such a complaint will be treated as misconduct under the student Code of Conduct. The application of this provision should not in any way deter students from bringing forward legitimate complaints.
- 7.2 If a complaint made by an employee is found to be false, malicious or vexatious, the complainant may be the subject of disciplinary action. Such a complaint will generally be treated as misconduct under the University Statute on Employee Disciplinary Matters & Termination of Employment. The application of this provision should not in any way deter employees from bringing forward legitimate complaints.