

**RCSI**

Dignity at Work

Purpose

RCSI is committed to ensuring that everyone in RCSI is treated with respect and dignity to ensure a working environment free from bullying, harassment and sexual harassment. References to bullying in this policy shall include cyberbullying. This is irrespective of age, disability, gender, family status, race, religion, civil status, sexual orientation or being a member of the Traveller community or socio-economic status. Within the document, the policy and procedure in relation to harassment, bullying or intimidation are explained. The policy is supported by procedures that enable concerns to be raised which will be to be addressed promptly and confidentially.

Complaints received will be treated with fairness and sensitivity and in as confidential a manner as possible.

Those who make a complaint in good faith or who participate in any investigation process etc. will not be victimised. Those who make false allegations of bullying harassment and sexual harassment may be subject to disciplinary action.

This policy also ensures compliance with the Equality Employment Acts 1998-2015.

Scope

It is expected that all staff in RCSI, regardless of length of service or whether they are full or part time, permanent or fixed term contracted employees in Ireland will comply with this policy. Where appropriate, student complaints against RCSI employees can also be raised and addressed via this policy and it's associated policies and procedures. It also relates to others on RCSI business or engaged in activities (for example, contract workers/vendors, visiting scientists, honorary appointments etc.) relating to RCSI or providing services to RCSI.

In particular, this policy includes conduct that takes place on campus, on University property, on clinical sites, at University functions, events and activities where one is representing the University. This policy also pertains to the usage of telephone, electronic technology and electronic communication that occurs in the above location and situations.

This policy also prohibits the different treatment of anyone at RCSI because they rejected or accepted the bullying, harassment or sexual harassment.

Policy Statement

RCSI is committed to the promotion of a working environment which upholds the dignity and respect of all staff and which supports every individual's right to work in an environment which is free from any form of harassment, sexual harassment, bullying or intimidation.

All employees are expected to respect each other with dignity and in a courteous manner, and recognise that the behaviour which is acceptable to one individual may not be acceptable to another. Employees must therefore adapt their behaviour accordingly. Harassment, sexual harassment, bullying or intimidation is unacceptable behaviour that RCSI will not tolerate. Appropriate disciplinary action, which may include dismissal, will be taken against any employee, of whatever seniority, who contravenes this policy.

All incidents of harassment, sexual harassment, bullying or intimidation should be reported immediately, either by the recipient of the harassment, bullying or intimidation or by a witness to the incident. Employees who are a witness to any incident should ensure that their own behaviour or conduct does not contribute or collude with the unacceptable behaviour or conduct.

It is the view of the recipient or observer of an incident that determines what is acceptable behaviour. It is the impact of the conduct and not the intention of the perpetrator that determines what constitutes harassment, bullying or intimidation. It must never be assumed that because someone does not oppose offensive language or behaviour it means they consent to it.

It is recognised that employees may fear reprisals for making a complaint. Consequently, all complaints received by your Head of Department or the Human Resources Department will be dealt with confidentially. In this knowledge, individuals are encouraged to approach their Head of Department or the Human Resources Department, as appropriate. Details for the HR Partners can be found [here](#). Additional supports can be found at the end of this policy.

Fair and constructive criticism of a staff member's performance, conduct or attendance does not constitute harassment or bullying.

Definitions

- Harassment
- Sexual Harassment
- Racial Harassment
- Bullying
- Discrimination

Harassment

Harassment is defined as any act or conduct which is unwanted and unwelcome on any of the following discriminatory grounds: gender, civil status, family status, sexual orientation, religion, age, disability, race, membership of the traveller community or socio-economic status that has the purpose or effect of violating a person's dignity at work and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Harassment is the forcing of unwelcome attention on another employee. It can consist of derogatory or discriminatory remarks or actions by an individual or group, which cause another individual or group to feel threatened, humiliated or harassed. It can interfere with job performance, undermine job security and create a threatening and unpleasant work environment.

Harassment is unacceptable behaviour and will not be tolerated by RCSI. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material, this includes the use of email and social media. A single incident may constitute harassment.

Unwanted conduct based on the discriminatory ground, even if the person does not have that relevant characteristic, may also be deemed to be harassment e.g. if the perpetrator believes that the employee has the characteristic, but the employee doesn't. The intention of the alleged harasser is irrelevant – it is the effect of the behaviour on the recipient which is relevant.

The following are common but not exclusive examples of harassment -

- Treating people less favourably or subjecting them to ridicule on any of the nine grounds
- Demeaning and derogatory remarks, name-calling
- Isolation, non-co-operation or exclusion within the workplace
- Unwelcome comments on appearance
- Unwarranted criticism of work performance
- Undermining the authority of a colleague in the workplace
- Production, display or circulation of offensive material
- Wearing of offensive badges or insignia
- Insulting behaviours or gestures
- Verbal or physical attacks

Please note: Ideally, a complaint should be made within 6 months of the alleged incident of harassment or the latest incident of such harassment. This may be extended to up to 12 months or more where exceptional circumstances prevented the making of the complaint within the 6 months.

Sexual Harassment

Sexual harassment is a form of sexual discrimination. It is also improper and unprofessional behaviour that lowers morale and interferes with work effectiveness.

It is any form of 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. This includes same-sex sexual harassment.

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

The definition of sexual harassment includes any:

- act of physical intimacy
- request for sexual favours
- other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is **unwelcome and** could reasonably be regarded as **sexually offensive, humiliating or intimidating**.

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

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

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

Non-verbal conduct of a sexual nature - This may include the display or sharing (or the threat of sharing) of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes without consent. It may also include leering, whistling or making sexually suggestive gestures.

Sex-based conduct - This may include conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex such as derogatory or degrading abuse or insults which are gender-related.

If you have been subjected to unwanted sexual behaviours, please refer below for support information.

Racial Harassment

Harassment on the grounds of race/ethnic origin is a form of racial discrimination and it is also improper and unprofessional behaviour that lowers morale and interferes with work effectiveness

It is any unwanted or unwelcome conduct based on a person's race which is offensive to the recipient and which can threaten a person's security or create a stressful, hostile or intimidating work or study environment.

Harassment on the grounds of race may include but is not limited to-

- Verbal harassment: offensive jokes or remarks about a person's race or ethnic origin (including membership of the traveller community), ridicule or assumptions based on racial stereotypes
- Visual harassment: Production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda
- Physical harassment: physical assault, threats of physical assault

Bullying

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 reasonably be 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 bullying is more than a single occasion and can include conduct offensive to a reasonable person, e.g. oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti or other material which state/imply prejudicial attitudes which are offensive to fellow employees.

Bullying is the intimidation or belittling of someone through the misuse of power or position to criticise and condemn, humiliate, or undermine an individual's skills and ability, so that they may become fearful or lose confidence, feel hurt, upset, vulnerable or helpless.

The following are common but not exclusive examples of bullying behaviour:

- Personal insults and name calling
- Persistent unjustified criticism and sarcasm
- Public or private humiliation
- Shouting at staff in public and/or private
- Sneering
- Instantaneous rage, often over trivial issues
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unnecessary work interference
- Making it difficult for staff to have access to necessary information
- Aggression
- Not giving credit for work contribution
- Continuously refusing reasonable requests without good reasons
- Intimidation and threats in general

Bullying does not include:

- Expressing differences of opinion strongly;

- Offering constructive feedback, guidance, or advice about work related behaviour which is not of itself welcome;
- Ordinary performance management;
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing an employee's performance, taking reasonable disciplinary actions, or assigning work); or
- Workplace conflict where people disagree or disregard the others' point of view.

Cyberbullying

Any references to bullying throughout this policy shall also include cyberbullying. Cyberbullying or Cyber-harassment is a form of bullying or harassment using electronic means, such as computers, tablets, mobile phones etc. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal behaviour.

The most common places where cyberbullying occurs are:

- Social Media, such as Facebook, Instagram, Snapchat, and Tik Tok
- Text messaging and messaging apps on mobile or tablet devices
- Instant messaging, direct messaging, and online chatting over the internet
- Online forums, chat rooms, and message boards
- Email
- Online gaming communities

Cyberbullying will be treated with the same seriousness as any other form of bullying and will be dealt with in accordance with this policy.

How to avoid cyberbullying

- Employees should familiarise themselves with RCSI's IT security policies and procedures.

- Employees should ensure that passwords and pin numbers are always kept private and to log out of all online accounts and devices where devices are unattended.

Role Responsibilities

Employees

All employees have a role in promoting a culture that is free from any form of bullying and harassment. All employees have a responsibility to behave with dignity and respect towards one another in the workplace. This applies both in individual interactions and interactions in a group with other employees, contractors, customers, clients and anyone in the workplace.

Managers

Managers play a pivotal role in creating a positive workplace culture. They must promote awareness of RCSI's policies and procedures. Should any matter of bullying, sexual harassment or harassment be brought to a manager's attention, managers should ensure that it is dealt with in a sensitive manner and in accordance with the policy.

HR Partners

The HR Partners (see 'Seeking Supports' section below) are available to provide any information to anyone who may have a query in relation to the operation of this policy or if an employee requires support or guidance in relation to a matter where they would welcome some information or assistance.

Complainant

If an employee raises a complaint under the complaint's procedure outlined below they will be referred to as the complainant.

Respondent

If an employee raises a complaint under the complaint's procedure outlined below the individual regarding whom the allegation is made will be referred to as the respondent.

What can you do if you feel you are being harassed, bullied or intimidated?

As part of its commitment to an environment which is free of any form of harassment, RCSI has established procedures, which are available in the HR section of the Staff Portal, to deal with any complaints raised by staff. RCSI also has a number of supportive resources available to those who feel that they are the subject of harassment, bullying or intimidation, including Human Resources Partners and an external confidential Employee Assistance Programme details of which are provided

at the back of this policy. RCSI will not tolerate victimisation, discrimination or retaliation towards any complainant.

If you have any special requirements, these should be brought to the attention of your Head of Department / the appointed investigator and reasonable accommodation will be provided.

Procedure

How to deal with Harassment/Bullying/Intimidation

- Initial Informal Approach
- Secondary Informal Approach
- Formal Approach

Initial Informal Approach

As a first step, employees should attempt to address an allegation of bullying, sexual harassment or harassment 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 the respondent is not even aware of that their behaviour is negatively impacting others. It is a very informal mechanism that is designed to be flexible in order to allow for minor complaints to be quickly dealt with.

Ideally, this initial informal response would effectively address the unwanted behaviour without any recourse to any other action.

- (a) The complainant who believes that they are being bullied, sexually harassed or harassed should explain clearly to the respondent that the behaviour in question is unacceptable.
- (b) If it is more suitable, the complainant should put their concerns in writing.
- (c) In circumstances where the complainant finds it difficult to approach the respondent(s) directly, they should seek assistance from their HR Partner or a manager where appropriate.
- (d) A brief written record, in line with GDPR, should be kept of the matter and agreed outcomes and dates noted by the relevant person responsible for managing the complaint.

Secondary Informal Procedure (including Mediation)

This process may be invoked if the above process is unsuccessful or unsuitable for the seriousness of the issue.

A Nominated Person / HR Partner with the appropriate training will be assigned to handle the complaint.

- (a) The employee should submit their complaint in writing.
- (b) The Nominated Person / HR Partner will then attempt to establish the facts and context of the complaint before deciding on the next actions to be taken. (It should be noted that if no concrete examples of inappropriate behaviour are given by the complainant, it may not be possible to progress the matter further.)
- (c) If, however, after the Nominated Person / HR Partner has established the facts, they believe the respondent has a case to answer, they will put the allegations to him/her and allow them the chance to respond. The Nominated Person / HR Partner should organise a meeting with the respondent to record his/her response. It is important to note that a mediation process is contingent on both parties to agree to participate.
- (d) Thereafter a method should be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment whilst the process continues.
- (e) 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 the drawing up of a plan with agreed actions which is to be signed by both parties at the final meeting.
- (f) The Nominated Person handling the case should keep a nominal record of all stages and ensure these are kept in line with GDPR.

A complainant may choose to bypass both the initial and secondary informal procedures. Choosing not to use the informal procedures should not reflect negativity on a complainant in the formal procedure. However, on an initial examination under the Formal Procedure, management may direct that an attempt may be made to resolve the matter under either the Initial or Secondary Informal Procedure.

What do you do if the initial and/or secondary informal approach is not appropriate or doesn't resolve the issue?

You may decide, for whatever reason, to bypass the initial and/or secondary informal procedure. Choosing not to use the initial and/or secondary informal procedure will not reflect negatively on you in the formal procedure.

Formal Approach

If the initial and/or secondary informal approach doesn't work or you choose not to utilise the initial and/or secondary informal approach, you can choose to raise your complaint through RCSI's formal approach. This would involve you making a formal complaint in writing and having the complaint formally investigated.

Due to the sensitive and confidential aspects of such cases, the procedures have

been designed to safeguard the rights, both of the complainant and the person whom the allegation is made against. All complaints will be dealt with promptly and treated with the utmost discretion.

If you wish to make a formal complaint you must do so in writing (this can be either in email or letter form). Written complaints should contain details of the person or persons against whom the complaint is being made and where possible, details of the alleged act or acts of harassment, sexual harassment or bullying. Complaints should be made as soon as is practically possible.

The written complaint should be forwarded to the Director of Human Resources (barryholmes@rcsi.ie), or one of the HR partners as appropriate, clearly marked private and confidential. You can find details of all the HR team [here](#).

It will be important for you to record:

- The name of the person whose behaviour you believe amounts to harassment, sexual harassment or bullying
- Details of the type of behaviour that is causing offence, including what, when and where the incident took place.
- Any witness statements or names of witnesses or persons in the immediate area, who may or may not have witnessed the event but will be able to corroborate that the persons involved were at the location at the time stated.
- Details of any previous complaint made about the behaviour, including date, where and who was involved.
- Any action that you have taken to try and resolve the harassment or bullying.

Please note that the person who the allegation is made against will receive a written copy of your complaint and advised that they will be afforded a fair opportunity to respond to the allegation(s). You will be provided with any response.

You will receive a response of acknowledgement within 5 working days and all formal complaints will be referred directly to an investigator appointed by the Director of Human Resources or nominee.

Initial Examination

The complaint will be subject to an initial examination by the Director of Human Resources, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or seeking to resolve the issue informally. Should either of these approaches be deemed 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) and, in appropriate cases, the referral of the matter for further consideration in the context of a disciplinary hearing.

Terms of Reference

The investigation should be governed by terms of reference, determined by an investigation panel.

Investigation

1. Both the complainant and respondent will be informed in writing of the following:
 - What the formal procedure entails.
 - That both parties have the right to be accompanied and/or supported, by a colleague or trade union representative, where appropriate.
 - That the complaint will be in writing and that the respondent will be given details in writing of the nature of the complaint including written statements and any other documentation or evidence including records of meetings held with the witnesses.
 - That the respondent will be given time to consider the documentation and an opportunity to respond to such documents.
 - That confidentiality will be maintained throughout any investigation to the greatest extent possible, consistent with the requirements of a fair investigation.
 - That a written record will be kept of all meetings and investigations.
 - That the investigation having considered all of the evidence before it and the representations made to it will produce a written report to both parties outlining its findings and the reasons for its final decision.
 - If the complaint is upheld against a respondent who is not an employee of the organisation, the report will recommend appropriate next steps which could include:
 - o Exclusion of the individual from premises;
 - o Suspension or termination of service;
 - o Suspension or termination of a supply service or other contract.
2. The investigation will be conducted at the discretion of the Director of Human Resources by either a designated member or members of the HR Team and/or Management or, if deemed appropriate, one or more third parties. The investigation will be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the respondent(s).
3. The investigator(s) will meet with the complainant and respondent(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegations(s). Both the complainant and respondent(s) may be accompanied by work colleague or trade union representative, where appropriate.
4. Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to the Director of Human Resources containing the findings of the investigation.
5. Both parties should be given the opportunity to comment on the findings before any action is decided upon by the Director of Human Resources.

The complainant and the respondent(s) will be informed in writing of the findings of the investigation.

Outcome

Should the investigation panel decide that the complaint is well founded; the matter may be referred to disciplinary hearing by the Director of Human Resources for further consideration. Alternatively, the investigator may find that other actions such as counselling, mediation or training would be appropriate. Should the investigator find that the complaint is not well founded they should communicate this outcome to the parties.

Any individual found to have made a false allegation of bullying, sexual harassment or harassment, or any individual who supports a false claim (e.g. witnesses) may be subject to disciplinary action up to and including dismissal.

The disciplinary action to be taken will be in line with the [RCSI's Disciplinary Policy](#). Should a case of bullying, harassment or intimidation be proven then the organisation will take appropriate disciplinary action. This can include a warning, transfer, demotion or other appropriate action up to and including dismissal.

Records of any warnings for bullying/harassment or intimidation will remain in the employee's file and will be used in determining disciplinary action to be taken if any further offences of the same or similar nature occur in the future.

In instances where an investigation concludes that harassment, bullying or intimidation did not take place, a note to that effect should be recorded.

Appeal

If either party is not satisfied with the outcome of an investigation they may appeal in writing to the Director of Human Resources stating the full grounds of appeal within 5 working days of the date on which the decision was sent or provided to them. The appeal will be dealt with impartially by a party who has not previously been involved in the case. Any appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. It is not a re-hearing of the original issues.

Confidentiality

All reasonable steps will be taken to protect a member of staff, who files a complaint, or assists in an investigation from intimidation, victimization or discrimination. Retaliating against someone who complains about harassment is a serious disciplinary offence.

Malicious Complaints

Malicious complaints will also be regarded seriously by RCSI and may result in disciplinary action up to and including dismissal may be imposed, after due process.

A malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of allegedly bullying them. This could also apply to where one person maliciously complains of someone allegedly bullying a third party, without fully exploring the veracity of the claim.

Seeking Supports

RCSI is committed to providing a safe environment for its staff, and to responding appropriately to any incidents. There are a number of RCSI supports available to you should you feel you are being subjected to or are in danger of being subject to any form of harassment or bullying. These supports are outlined in the below table in addition to some external supports that you can avail of.

Sources of Support

Any of the HR Partners

- Maire Ryan maireryanhr@rcsi.com
- Mark O'Dea markodea@rcsi.com
- Rachel Hipwell rachelhipwell@rcsi.com
- Cathy Buffini cathybuffini@rcsi.com

Campus Security

St. Stephens Green Campus: 191 or (01) 402 2219

Beaux Lane House: 2760 or (01) 402 2760 (7am-7pm)/2219 (7pm-7am)

Reservoir House, Sandyford: 8679 or 01 402 8679

Smurfit Building, Beaumont: 3700 or 01 809 3700 (8am–8pm, Mon-Fri)/ 2110 (8pm-8am)

Employee Assistance Programme - provided by Spectrum.life. To contact the Spectrum.life Employee Assistance Programme service, please contact:

- Freephone ROI: 1800 903 542
- WhatsApp: Text 'Hi' to 087 369 0010

Contact your General Practitioner (GP)

Emergency Services

If you, or others, feel at risk or consider the situation to be an emergency, you can call the Gardaí on 999. If you need urgent medical help you should call for an ambulance (also on 999).

Dublin Rape Crisis Centre (DRCC) operate a free National 24-hr Helpline which provides confidential listening and support for women and men who have been

raped, sexually assaulted, sexually harassed or sexually abused at any time in their lives. The **Free National 24-hr Helpline is 1800 77 8888**

Sexual Assault Treatment Units (SATU)

Sexual Assault Treatment Units (SATU) provide services for individuals, of all genders, who have experienced sexual crimes by addressing their immediate medical, psychological and emotional needs. This service can also perform a forensic examination to gather physical evidence of the assault/rape that can be used in a legal process if a person decides to report this crime to the Gardaí (Police).

A rape Crisis Support Worker will be in attendance to offer you information and emotional support. Please click [here](#) to for the details of the nearest SATU to you.

Policy Review

The Human Resources Department will ensure that this policy will be monitored and kept under review.