



## **Harassment and Bullying Policy**

At The Lir Academy, we are committed to providing a safe and respectful work environment for all whether an employee, a student, a contractor, a supplier, or a member of the public. No one has the right to harass anyone else, at work or in any situation related to employment.

Harassment is against the law. It occurs where a person engages in unwanted conduct or language which has the purpose or effect of violating another's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for a colleague. It may be related to age, sex, marital status, sexual orientation, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Remember that one person's joke is another person's harassment.

### **Definition of Bullying**

Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work/study and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity and respect. An isolated incident of the behaviour described in this definition may be an affront to your dignity but, as a once off incident, is not considered to be bullying.

Bullying can take many forms, from open aggression, threats, and shouting to subtle comments or exclusion. It can be verbal, physical or psychological. It is destructive and may have serious

consequences. The impact of the behaviour on the recipient will be taken into consideration when dealing with cases of bullying. It should be noted that the issuing of reasonable work related instructions, student discipline or study related matters, or the exercise of lawful management rights or duties would not be construed as bullying. In addition, complaints that are related to assignment of duties, terms and conditions of employment are not suitable for this process and may be referred under the University's normal grievance procedure.

### **Examples of Bullying**

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

### **Definition of Sexual Harassment**

Sexual harassment includes acts of physical intimacy, or requests for sexual favours or any act or conduct by a harasser, including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome to the recipient and could reasonably be regarded as sexually offensive, humiliating or intimidating to the recipient.

The unwanted nature of sexual harassment distinguishes it from flirtatious or sexual behaviour, which is entered into freely and mutually. It is the damaging impact of the unwanted behaviour on the recipient, not the intention of the harasser, which counts. The impact of sexual harassment is taken into account when cases of sexual harassment are investigated.

### **Examples of Sexual Harassment**

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

- Electronic: sexually suggestive messages or images transmitted by computer/ electronic means.
- Physical: unwelcome physical contact, up to and including assault.

### **Sexual Assault**

Assault, including sexual assault, is not within the University's disciplinary jurisdiction and, as a matter of criminal law, should be referred to An Garda Siochana.

### **Definition of Racial Harassment**

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

### **Examples of Racial Harassment**

- Verbal: offensive jokes or remarks about a person's race or ethnic origin (including membership of the travelling community), ridicule or assumptions based on racial stereotypes.
- Non-verbal or indirect: exclusion, hostile or demeaning attitudes, spreading malicious rumours.
- Visual: production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda.
- Physical: physical assault, threats of physical assault.

### **Other Forms of Harassment**

Any act or conduct by a harasser is considered to be harassment if it is unwelcome to the recipient and could reasonably be seen as offensive, humiliating or intimidating to the recipient, in relation to one or more of the following characteristics of the recipient: gender; civil or family status; sexual orientation; religion; age; disability and membership of the Traveller community. Such behaviour can take many forms, similar to those of sexual harassment, racial harassment or bullying. It should be noted that such behaviour may be destructive and is unacceptable.

### **Effects of bullying and harassment**

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work and even resignation. Job performance is almost always affected and relations in the workplace suffer.

### **Confidentiality**

Allegations of bullying or harassment will be investigated fully, fairly, quickly and confidentially. However, in most instances there will have to be some communication with the alleged 'harasser' or 'bully', named witnesses and in some cases with the appropriate senior staff. The complainant's wish for confidentiality will be protected as far as possible, though where a complaint identifies unlawful discrimination, a safety concern or a potentially criminal act, there is a legal responsibility to take appropriate action which might mean that confidentiality cannot be preserved.

Confidentiality is important to all parties affected, particularly in the early stages when an individual feels concerned about the behaviour of another and wishes to seek advice and explore the seriousness of the situation. However, as soon as any attempt is made to deal with the situation in a way that directly involves the individual who is accused, that individual must be informed of the nature of the complaint. Thereafter, as far as possible, there should be an attempt to maintain confidentiality in respect of all parties while seeking a solution.

### **Procedure for making and dealing with complaints of harassment and bullying**

If an individual thinks that he or she is being subjected to harassment or bullying, they should not feel that it is their fault or that they have to tolerate it without question.

Attempts will be made to resolve complaints as quickly and informally as possible and at the level at which they occur.

### **Complaints from students (Informal stage)**

If a student wishes to seek advice before talking to the Administrator or Director, they are advised to seek support from Student Services at Trinity College Dublin.

Students are advised to keep a record of any incidents as they occur; what happened, dates, times, places, witnesses, your response and the impact on you.

Where possible students are advised to make it clear to the perpetrator that the behaviour is unwelcome and unacceptable and ask them to stop. (If this is not possible, proceed directly to informing the administrator or director of The Lir).

The person you contact will

- Listen to your complaint without judgement
- Provide support and help to resolve the situation
- Advise and give information on other sources of help
- Only act with your consent
- Encourage an open discussion to create a balanced view of the situation.

### **Complaints from students (formal stage)**

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

A formal complaint involves providing a written statement confined to the precise details of the allegations.

All formal complaints will be investigated.

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

## **Reporting Complaints**

Students should report their concerns/complaints to one of the following:

- Administrator – [anne.fitzpatrick@thelir.ie](mailto:anne.fitzpatrick@thelir.ie)
- Director of The Lir Academy – [loughlin.deegan@thelir.ie](mailto:loughlin.deegan@thelir.ie)
- Head of Course/Department

The issue will then be brought to the attention of the perpetrator.

Serious issues that might involve abuse of power can be emailed to:

The Chair of the Board of Directors, James Hickey at [jameshickey32@gmail.com](mailto:jameshickey32@gmail.com)

or

The Chair of the Gender, Diversity and Respect Sub-Committee, Eleanor Methvan at

[inconfidence@thelir.ie](mailto:inconfidence@thelir.ie)

## **Complaints from staff (informal stage)**

In the first instance, the individual should consider how best to deal with the situation and might seek advice from their line manager, the Director or other suitable person.

The individual should then consider an approach to the person concerned to explain that his/her behaviour is unwanted or is causing distress and asking that it should be stopped. This could be done by the person alone or with the help of one of the people listed above.

If the matter remains unresolved through this informal approach, or if the problem continues after an agreed resolution, the matter should be referred to the formal stage.

## **Complaints from staff (formal stage)**

Members of staff who wish to refer their complaint to the formal stage should do so through the Grievance Procedure modelled on the [Dignity and Respect Policy from Trinity College Dublin](#)

### **What to do if you are accused of harassment, bullying or discrimination**

Differences in attitude, background and culture or misinterpretation of social signals mean that what is perceived as harassment by one person, may not be or seem so to another. Even though your behaviour may seem harmless to you, the other person's reasonable reaction to your behaviour is important.

Listen carefully to the complaint and the particular concerns expressed and consider whether the complaint can be justified in any way, and whether it would be advisable or appropriate to change your behaviour.

The first indication you may have that there is a problem may be when a colleague tells you that he/she is offended or upset by certain aspects of your behaviour and asks you to stop behaving towards them in a particular manner, which is insulting, degrading or offensive to them.

Alternatively, you may first be made aware that there is a problem when approached by a member of staff attempting to resolve the issue or informing you that a formal complaint has been made. If you are accused of harassment or bullying, you may wish to consult your line manager, the Director, or other senior member of staff.

Disciplinary action will be taken where The Lir Academy considers it appropriate to do so.