

**Scoil Naomh Fiachra
Clontubrid
Roll No. 16865D**



Adult Bullying and Sexual Harassment Policy

It is the policy of the Board of Management of *Scoil Naomh Fiachra*, Clontubrid, to provide a supportive workplace where staff members have a right to be free from all forms of harassment/bullying.

The Board of Management guarantees the right of all employees to work in an environment which is free from all types of harassment/bullying.

A complaint of harassment/bullying may, following investigation, lead to disciplinary action. Board of Management disciplinary procedures will be followed and the guidelines/stages set out in Circular 49/2018 will also be adhered to in relation to investigation and disciplinary procedures relating to misconduct of teachers (Appendix 1) and principal (Appendix 2) of the above named circular.

Objectives of this Policy

The objectives of this policy are to eliminate harassment/bullying and to create a supportive environment where teaching and ancillary staff have a right to carry out their work free from harassment/bullying.

The protection of this policy extends to harassment/bullying by

- Management;
- Co-workers;
- Clients;
- Business contacts;
- Parents and Pupils and
- Any person with whom the employee might reasonably be expected to come in contact in the course of her/his work.

The protection of this policy also extends to any work-related contacts outside the school.

The Policy guarantees that all complaints will be taken seriously and investigated promptly and that all parties involved will be treated with respect.

Victimisation as a result of a member of staff raising a complaint will not be tolerated and will be treated as harassment/bullying and subject to disciplinary action. Staff will be protected from victimisation or discrimination for assisting in an investigation.

Definition of Harassment/Bullying

The Health & Safety Authority defines bullying as follows:

“Bullying in the workplace is repeated aggression, verbal, psychological or physical, conducted by an individual or group against another person or persons. Bullying is where aggression or cruelty, viciousness, intimidation or a need to humiliate, dominate the relationships. Isolated incidents of aggressive behaviour, while to be condemned, should not be described as bullying. In the workplace environment there can be conflicts and interpersonal difficulties. Many of these are legitimate industrial relations difficulties, which should be dealt with through the

appropriate industrial relations channels. Only aggressive behaviour which is systematic and on going should be regarded as bullying.”

In summary, Adult Bullying can take many different forms, which usually include:

- intimidation or harassment;
- aggression;
- verbal abuse;
- humiliation;
- undermining;
- dominance or abuse of power;
- different or unfavourable treatment;
- exclusion or isolation.

Key factors of Adult Bullying are that the behaviour is generally:

- persistent;
- unwanted;
- subtle and
- non-physical.

Harassment/bullying may take subtle or insidious forms, which gradually wear a person down over a period of time. Harassment may take place where there are no witnesses and victims are afraid to make a complaint because they fear that they may not be believed or that the harassment/bullying may get worse. In some cases, witnesses to incidents of harassment/bullying may be afraid to come forward because they fear that they may become victims themselves.

Definition of Sexual Harassment

The Health & Safety Authority describes sexual harassment as follows:

“Sexual harassment means unwanted conduct of a sexual nature or other conduct based on a person’s sex, which affects the dignity of men and women at work. This can include unwelcome physical, verbal or non-verbal conduct, which is offensive and causes discomfort or humiliation to the individual concerned.

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 of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.*
- *Sex-based conduct - This would 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.”*

Harassment/bullying is generally defined not necessarily by its intention but by the impact of the behaviour on the recipient.

What can a person do who thinks she/he is being harassed or bullied?

A staff member who thinks she/he is being harassed/bullied at work, should seek advice from any of the following:

Principal Teacher; Chairperson of the Board of Management; Teachers' Representative on the Board of Management or INTO Staff Representative.

Specific Actions which may be taken

Stage 1: Decide to Address the Matter

The party (Party A) who considers that he/she is being bullied, sexually harassed or harassed on other specified discriminatory grounds, should decide to address the matter.

However, in light of the potential effects of bullying or harassment on an individual, including loss of confidence, extreme upset, anxiety or fear, Party A may initially decide to seek INTO or other assistance, including Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures, in the circumstances.

Party A should keep a record of the pattern of behaviour or instances where he/she considers that bullying/harassment has occurred.

The record should contain details such as dates, times, persons present, details of what was said or what occurred.

- Log all incidents of bullying/harassment.
- Write down your feelings at the time and what your response was.
- Speak to the alleged bully and make it clear that his/her behaviour is unacceptable and ask him/her to stop. If you cannot do this verbally then do so in writing. Keep copies of all correspondence.
- Refer to any of the contact people listed above.
- Ascertain if there were any witnesses to the harassment/bullying.
- If possible avoid being alone with the alleged bully.

The purpose of the policy is to deter unacceptable behaviour and to create an environment where staff can work free from harassment/bullying.

Procedures

There are two procedures for dealing with cases of alleged harassment/bullying – one informal, the other formal.

Individuals should familiarise themselves with the procedures below. Any of the people who are listed as contact people can advise on both procedures. If the informal procedure is followed but the problem persists, the complaint can be dealt with under the formal procedure.

Refer to Circular 49/2018 also from this point onwards.

Stage 2: Informally Address the Problem

The party who considers that he/she is being bullied, sexually harassed or harassed on other discriminatory grounds (party A), should request a meeting with the other party (B), in order to discuss matters. The following should apply:

- where necessary, the meeting may be facilitated by a third party, generally a teaching colleague;
- Party A should clearly outline his/her difficulties and should clearly object to the bullying/harassment and request that it stop;
- it is important that party A bear in mind, that the other member of staff may not be aware that his/her behaviour is causing difficulty;
- both parties should seek to resolve their differences and establish a pattern of interaction exclusive of any forms of bullying/harassment;
- Party B may respond to Party A at that meeting or if requested, should be given an opportunity to consider his/her response, in which case the meeting may be adjourned. Party B should respond in a constructive manner;
- the resolution, as appropriate, may include any of the following, e.g., a commitment to cease the particular behaviour, modify the behaviour, plan to eliminate situations where the parties would be in conflict or monitoring.

Alternatively, it may emerge as a result of the discussions between the parties, that there may have been a degree of misunderstanding in relation to certain behaviours and the resolution may make provision for compromise or appropriate explanation or acknowledgement.

If there is no satisfactory indication of resolution between the parties, Party A should refer the complaint to stage 3, i.e. formal procedures.

Stage 3: Principal Teacher or Chairperson of the Board of Management

Stage 3 provides a mechanism for the principal teacher to intervene and resolve the matter. However, if the principal teacher is one of the parties, the Chairperson of the Board of Management, should then be involved, in an individual capacity, in order to achieve resolution. In circumstances where the chairperson may also be involved at Stage 2, another member of the Board, may be designated to intervene.

Party A should advise Party B that he/she is proceeding with Stage 3.

Party A should state his/her complaint in writing and request the Principal Teacher (or Chairperson of the Board of Management, as the case may be) to investigate the matter.

The Principal Teacher (or Chairperson of the Board of Management, as the case may be) should:

- obtain background details including details of what occurred at the previous stage;
- consider the pattern of behaviour and the timescale;
- hear the parties and seek to resolve the matter;
- act in a fair and impartial manner and deal with the matter sensitively having regard to the nature of the problem and the principles of due process;
- exercise judgement and make decisions which he/she considers necessary to resolve matters.

The outcome of the discussions should be noted by the parties.

The matter should be dealt with confidentially.

Where resolution has not been possible and particularly, where there is a likelihood of the offending behaviour continuing, either party or the principal teacher (or Chairperson of the Board of Management as the case may be) should refer the matter to the Board of Management in accordance with Stage 4 below.

Stage 4: Board of management

It is open to any of the parties or the Principal Teacher (or Chairperson of the Board of Management, as the case may be) to refer the matter to the Board of Management for investigation. The referral should be in writing and dated and should include a copy of the written complaint.

The Board of Management should consider the issues and investigate the matter:

- the Board may enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages;
- the Board or the Chairperson of the Board may meet the parties individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process;
- the Board may request the Principal Teacher to furnish a written submission;
- the Board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence;
- following oral presentations the Board of Management may designate the Chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution;
- the Board of Management may convene a number of meetings in order to achieve resolution;
- the Board of Management shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having regard to the nature of the problem.

Having considered all matters, the Board of Management should reach a view on the matter not later than 20 school days after receipt of the written request/referral.

Where the Board of Management finds that bullying/harassment has not occurred, both parties should be informed accordingly. No action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and appropriate action taken.

Where the Board of Management finds that bullying/harassment has occurred, the Board should deal with the matter appropriately and effectively. This may include:

- the issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated;

- a demand that all forms of bullying/harassment cease and that acceptable patterns of interaction be established between the parties;
- an instruction to the offending party that he/she apologise/ express regret or give an assurance that the bullying/harassment behaviour will cease;
- seeking a commitment to attend counselling or the welfare service;
- more serious disciplinary sanctions as may be commensurate and appropriate, such as:

- *oral warning*
- *written reprimand*
- *written warning*
- *final written warning*
- *suspension*
- *dismissal.*

As part of any resolution, the Board of Management should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The Board of Management should keep matters under review.

Making a complaint of sexual harassment

Stage 1: Decide to Address the Matter

Any employee who feels he or she has been or is being sexually harassed or bullied should ask the perpetrator to stop. Where this form of action is unsuccessful the employee may report the matter to any of the following:

Principal Teacher; Chairperson of the Board of Management; Teachers' Representative on the Board of Management or INTO Staff Representative.

Refer to Circular 49/2018 also from this point onwards.

Stage 2: Informally Address the Problem

Attempts will be made to resolve the matter informally, if appropriate. (See Stage 2 above)

Stage 3: Formally Address the Problem

If it is not possible to resolve the matter informally, a formal complaints procedure shall be applied incorporating the following steps:

1. A written report to the Board of Management should be made by the complainant or an authorised person to whom the complaint is being made and signed by the complainant.
2. The complaint will be investigated with minimum delay as confidentially as possible by two individuals named by the Board of Management, one of whom shall be the same sex as the complainant and the alleged perpetrator.
3. Both parties may be accompanied/represented at all interviews/meetings held, and these shall be recorded.
4. Where a complaint is found to be substantiated, the extent and the nature of the sexual harassment will determine the form of action to be taken. These actions may include a verbal warning, a written warning, suspension from some duties with or without pay, suspension from full duties with or without pay or dismissal.

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5. Where an employee is victimised as a result of invoking or participating in any aspect of the complaints procedure, including acting as a witness for another employee, such behaviour will also be subject to disciplinary action.

No record of any complaint will be registered on an employee's file unless the formal procedure outlined above has been invoked.

It is the policy of the school that issues of sexual harassment are best dealt with within the school. However, no aspect of this Policy affects any employee's individual legal rights to take their complaint outside of the school.

This Policy will be subject to periodic review every three years or as required. This policy was sanctioned by the Board of Management on December 11th, 2002 and reviewed/ratified on 4th of December 2018.