



# Bullying/Harassment Policy and Procedures

The procedures set out below may be initiated in relation to any of the following circumstances, which may occur in the workplace or otherwise in the course of employment:

- adult bullying;
- sexual harassment; or
- harassment on other specified discriminatory grounds which could, in the circumstances, be regarded as offensive, humiliating or intimidating.

## Introduction

Sexual harassment may be perpetrated by a superior, a subordinate, a colleague or a non-employee and may take place inside or outside the work place. The degree of control available to the employer in this particular circumstance will be relevant.

## Definition

Sexual harassment is a pattern of behaviour that is unwanted, unsolicited and offensive to the recipient. Such behaviour fails to respect the dignity of others and impacts upon the employee in the workplace. It is a pattern of behaviour that any reasonable person finds hostile, intimidating or humiliating. The intent of the alleged perpetrator shall not be relevant in determining whether the behaviour is acceptable.

Harassment implies that unwanted behaviour is being imposed on an individual who finds it hostile, intimidating or humiliating. It is the impact of the conduct on the recipient and not the intent of the accused person that determines whether the behaviour is acceptable. It should not be confused with normal social interaction involving mutually acceptable behaviour. Sexual harassment may occur between men and women or between members of the same sex.

Following on this definition sexual harassment in a school context can include the following:

- Non-verbal sexual harassment: unwelcome uses or display of sexually suggestive or pornographic pictures and calendars, leering or offensive gestures, written communications of a sexual nature.
- Verbal sexual harassment: unwelcome sexual advances, unwelcome pressure for social contact, sexually suggestive jokes, whistling, unwelcome sexually offensive remarks or innuendo of a sexual nature based on a person's sexual orientation, offensive telephone calls of a sexual nature.
- Physical sexual harassment: unwelcome physical contact, groping, pinching, petting, unnecessary touching, unwelcome fondling or kissing.

This policy is designed to deal with cases of sexual harassment coming within categories of non-verbal sexual harassment, verbal sexual harassment and physical sexual harassment as set out above. It is not designed to deal with those cases coming under the category of physical sexual assault which would, if proven, amount to criminal wrongdoing.



## **Cyber-Bullying will also be treated as harassment.**

Cyber-bullying means:

Bullying, intimidating or harassing by the use of any electronic communication device, through means including, but not limited to, e- mail, instant messaging, text messages, blogs, mobile phones, pagers, online games, social networks and websites, that disrupts or interferes with the school's educational programmes or interferes with a staff member's performance of duty or ability to participate in the services, activities, or programmes run by the school.

Accessing or knowingly causing or providing access to data or computer software through a computer, computer system or computer network within the scope of the school system with the intention of bullying, harassing or intimidating a student or school employee.

## **LGBT (lesbian, gay, bisexual, and transgender). Homophobic or transphobic bullying will also be treated as harassment.**

Like all forms of harassment, homophobic or transphobic harassment can occur in different ways such as emotional, verbal, physical or sexual.

Some of the more common forms of homophobic or transphobic bullying include:

- Verbal bullying (being teased or called names, or having derogatory terms used to describe you, or hate speech used against you)
- Being compared to LGBT celebrities / caricatures / characters that portray particular stereotypes of LGBT people
- Being 'outed' (the threat of being exposed to your friends and family by them being told that you are LGBT)
- Spreading false rumours about your sexual orientation
- Indirect bullying / social exclusion (being ignored or left out or gestures such as 'backs against the wall')
- Physical bullying
- Sexual harassment
- Cyber bullying (being teased, called names and/or threatened via email, text and on Social Networking sites)
- Taunting a person of a different sexual orientation.
- Name calling – e.g. gay, queer, lesbian ... used in a derogatory manner.
- Physical intimidation or attacks.
- Threats.

## **Context**

Sexual harassment is illegal under the Employment Equality Act 1998. The Labour Court has determined that 'freedom from sexual harassment is a condition of work which an employee of either sex is entitled to expect'.



The school recognises that all employees and students have the right to a workplace/place of learning free from sexual harassment and is fully committed to ensuring that all employees and students are able to enjoy that right and that sexual harassment will not be tolerated.

There is a responsibility on all employees and students to ensure a workplace free from sexual harassment for all other employees and students, and to be aware of this Policy.

Complaints of sexual harassment will always be treated seriously, confidentially and in a sensitive manner.

1. Sexual harassment of one staff member by another staff member will not be tolerated
2. Sexual harassment of one student by another student or of a staff member by a student(s) will not be tolerated and is contrary to school policy and will be dealt with through the school's code of conduct.
3. Sexual harassment of a student by a staff member will not be tolerated and constitutes a serious abuse of authority.

### **Employees' Responsibilities**

Employees have a clear role to play in the creation of an environment at work in which sexual harassment is unacceptable.

Employees can contribute to preventing sexual harassment through an awareness and sensitivity towards the issue and by ensuring that standards of conduct for themselves and for colleagues do not cause offence.

### **Making a complaint of Sexual Harassment**

Complaints of sexual harassment will be taken seriously and if proven could constitute grounds for disciplinary action. Prompt action will be taken when incidents involving sexual harassment take place and come to the attention of management. Fair and equitable procedures will be used in dealing with such complaints both in relation to the complainant and the alleged harasser.

In this regard, it should be noted that a complaint of sexual harassment or bullying may result in disciplinary action. Where a complaint of sexual harassment or bullying is not upheld, 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 the disciplinary procedure invoked.

### **Assistance in the Event of Harassment**

Every effort will be made to guide persons who are victims of sexual harassment into therapy/counselling to assist their recovery.

Persons who sexually harass others will be advised to seek counselling to prevent further incidents of sexual harassment arising.



## Preamble

**The procedure outlined below is designed to address adult bullying, sexual harassment or other harassment arising in the workplace or otherwise in the course of employment, in a fair and effective manner.** In implementing the procedure, it is recommended that emphasis should be placed on assuring the party who considers that s/he is being bullied/harassed that his/her complaint is acknowledged, that the matter will be investigated effectively and sensitively and in accordance with due process.

Equally, where it is found that bullying or harassment has occurred, the emphasis, firstly, is to ensure that the offending behaviour immediately cease and secondly, to help the offending party acknowledge that his/her behaviour is unacceptable and that steps must be taken to address the matter constructively thereby avoiding any recurrence.

It is important to ensure that resolution is achieved at the earliest opportunity. Further, it may be appropriate for the victim or the offender to attend counselling or obtain such other help as may be required.

## Procedures:

### Stage 1: Decide to address the matter

1. The party (party A) who considers that s/he 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 or counselling, in order to consider the most appropriate application of the procedures, in the circumstances.
2. Party A should keep a record of the pattern of behaviour or instances where s/he 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.

### Stage 2: Informally address the problem

1. 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 work colleague;
- the complaint will be investigated with minimum delay as confidentially as possible by two individuals, one of who shall be the same sex as the complainant if so requested. In circumstances where it is too difficult or embarrassing for an individual to do this on his/her own behalf, an alternative approach would be for an initial approach to be made by a sympathetic colleague or friend or to ask for another person to accompany the individual through the process.
- 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, eg. 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.

2. 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**

1. 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.

2. Party A should advise party B that he/she is proceeding with stage 3.

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.

4. 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 s/he considers necessary to resolve matters.

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

The matter should be dealt with confidentially insofar as is possible. 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 teachers 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 will 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 s/he 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 will monitor the situation and put systems in place to ensure that it is kept informed that resolutions are being implemented. The board of management will keep matters under review.

The Board of Management through the Principal will ensure that its employees and staff are informed of any resolutions or changes in procedures arising out of the above process.





## **Code of Conduct for Pupils HARASSMENT**

Sexual harassment of one student by another student or of a staff member by a student(s) will not be tolerated and is contrary to school policy and will be dealt with through the school's code of conduct.

Students subjected to sexual harassment should report the conduct to any member of staff, who will in turn report the matter to the School's Designated Liaison Personnel for Child Welfare & Safety.

In circumstances where it is too difficult or embarrassing for an individual to do this on his/her own behalf, an alternative approach would be for an initial approach to be made by a sympathetic staff member or friend or to ask for another person to accompany the individual through the process.

### **Rationale**

In the course of preparing students as good citizens it is important to offer them support and guidance. The support is primarily educational and is limited to the school context. Guidance, including that on sexual harassment, impacts on school life but as in most cases extends far beyond school and is preparation for life and part of lifelong learning.

### **Prevention/Education**

It is accepted amongst educationalists that education about bullying is best carried out by teachers through the inclusion of S.P.H.E. in the curriculum. This S.P.H.E. Programme would also draw on the expertise and resources available within the community i.e. Parents, Gardaí, Health Board, etc. In St. Paul's the pupils will be educated about related issues of inclusion, equality, LGBT issues, bullying & harassment, through the curriculum eg. S.P.H.E., Copping –On Programme and Home Economics Programme.

### **Definition of Sexual Harassment**

Sexual harassment is behaviour that is unwanted, unsolicited and offensive to the recipient. Such behaviour fails to respect the dignity of others and impacts upon the employee in the workplace or students in the school. It is any behaviour that is being imposed on any reasonable person who finds it hostile, intimidating or humiliating.

It is the impact of the conduct on the recipient and not the intent of the accused person that determines whether the behaviour is acceptable. It should not be confused with normal social interaction involving mutually acceptable behaviour.

Following on this definition, sexual harassment in a school context can include the following:

- Unwelcome physical or verbal advances.
- Exposure of body parts
- Unwelcome uses or display of sexually suggestive or pornographic pictures and calendars.
- Leering or offensive gestures.
- Written communications of a sexual nature.
- Unwelcome comments about personal appearance.
- Unwelcome sexual advances
- Unwelcome pressure for social contact
- Sexually suggestive jokes



- Whistling
- Unwelcome sexually offensive remarks or innuendo of a sexual nature based on a person's sexual orientation
- Offensive telephone calls of a sexual nature

**Cyber-Bullying will also be treated as harassment.**

Cyber-bullying means: Bullying, intimidating or harassing by the use of any electronic communication device, through means including, but not limited to, e- mail, instant messaging, text messages, blogs, mobile phones, pagers, online games, social networks and websites, that disrupts or interferes with the school's educational programmes or interferes with a student's education, academic performance or ability to participate in, or benefit from, the services, activities, or privileges provided by a school.

Accessing or knowingly causing or providing access to data or computer software through a computer, computer system or computer network within the scope of the school system with the intention of bullying, harassing or intimidating a student or school employee.

**LGBT (lesbian, gay, bisexual, and transgender). Homophobic or transphobic bullying will also be treated as harassment.**

Like all forms of harassment, homophobic or transphobic harassment can occur in different ways such as emotional, verbal, physical or sexual. Some of the more common forms of homophobic or transphobic bullying include:

- Verbal bullying (being teased or called names, or having derogatory terms used to describe you, or hate speech used against you)
- Being compared to LGBT celebrities / caricatures / characters that portray particular stereotypes of LGBT people
- Being 'outed' (the threat of being exposed to your friends and family by them being told that you are LGBT)
- Spreading false rumours about your sexual orientation
- Indirect bullying / social exclusion (being ignored or left out or gestures such as 'backs against the wall')
- Physical bullying
- Sexual harassment
- Cyber bullying (being teased, called names and/or threatened via email, text and on Social Networking sites)
- Taunting a person of a different sexual orientation.
- Name calling – e.g. gay, queer, lesbian ... used in a derogatory manner.
- Physical intimidation or attacks.
- Threats.

This list is not exhaustive. It is important to note that sexual harassment may be physical, verbal and non-verbal.

**“Only buzzing, joking, messing, having a laugh, playing etc” will not be accepted as an excuse for inappropriate behaviour.**





## **Procedures:**

The school will endeavour to protect all students and staff from intimidation, victimisation or discrimination in the event of a complaint being filed or while they may be involved in the process of an investigation of sexual harassment in the school.

Confidentiality will be ensured, insofar as is possible, at all times during the investigation for all parties involved.

### **1. Investigation procedure**

The complaint will be investigated with minimum delay and as confidentially as possible by the Principal and a designated liaison person, one of whom shall be the same sex as the complainant if so requested.

A preliminary investigation will be carried out. The aims of this preliminary investigation are to gather relevant data and ensure that the immediate needs of all concerned are met and to seek further clarification establishing whether grounds exist to proceed to an investigation. The presumption should be that an investigation should take place unless the preliminary investigation finds that there are no grounds to proceed.

### **2. Parental involvement**

Parents/Guardians will be informed of School policy through the referral procedures and parents meetings. Co-operation and communication on this issue is essential to support the School policy and parents are encouraged to contact the School if they are concerned.

Where it is found that there are grounds to proceed to an investigation the pupil may be asked to go home and a meeting may be arranged with a parent and guardian present to investigate and decide on appropriate action.

### **3. Recording incident**

All incidents of harassment behaviour will be recorded in the School Incident Book. A record of the Day, Date, Time, Pupils Names, Teacher involved and details of the incident will be made.

An insert on the Pupils file will also be made referring to the School Incident Book including details of the incident and consequences and actions decided upon.

Account will be taken of the number of incidents a Pupil is involved in either as the bully or as the victim in order to establish trends of behaviour that may need to be challenged.

### **4. Behavioural Support**

A pro-active approach to the issue of harassment and sexual harassment with the emphasis on prevention will be taken through a life skills programme as part of the SPHE curriculum.

Daily reinforcement of the use of positive language and the challenging of inappropriate comments made by staff and pupils through policy and overall school ethos and practice, etc.



Awareness raising opportunities for staff and students, including positive imagery / posters and workshops / training delivered through specialist agencies will be made available.

Accessible and diverse support strategies in place to tackle homophobic bullying, including signposting leaflets for helplines and one to one counselling.

Parents, Staff and Pupils should feel that everything possible has been done to ensure Pupils can learn and develop without fear of being hurt or intimidated by others.

One to one counselling on the issue will be made available and may form part of the plan of action arising out of any investigation.

## **5. Sanctions**

Where it is found that bullying or harassment has occurred, the emphasis, firstly, is to ensure that the offending behaviour immediately cease and secondly, to help the offending party acknowledge that his/her behaviour is unacceptable and that steps must be taken to address the matter constructively thereby avoiding any recurrence.

It is important to ensure that resolution is achieved at the earliest opportunity. Further, it may be appropriate for the victim or the offender to attend counselling or obtain such other help as may be required.

Malicious complaints by students will be treated as serious misconduct under disciplinary procedures.

In conjunction with behavioural supports and depending on the outcome of the investigation the following sanctions as appropriate to code of conduct may apply:

Privileges/activities may be withdrawn for a period of time.

The pupil may be asked to work in the office for a period of time.

The pupil's timetable or programme may be modified.

The pupil may be suspended for a period of time.

The details may be forwarded to the Board of Management and may warrant the expulsion of the pupil found to have harassed.