

Policy Identifier: Dignity and Respect Policy

Policy Title:	Dignity and Respect Policy (Students)
Description:	This Policy sets out its aims and its intent as it outlines the responsibilities of all members of MIE's campus community to participate in creating a positive and tolerant environment.
Author (Position):	Registrar and Vice President (Academic Affairs)
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Approved By:	MIE's Governing Body
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Dignity and Respect Policy

1 Context

- 1.1 One of Marino Institute of Education's ("MIE") guiding principles is to build a community of learning which is person centred, respectful of individual differences and accessible to people who are disadvantaged. Consequently, MIE is committed to ensuring an environment that is supportive of and conducive to excellence.
- 1.2 MIE affirms that all MIE students and community members have the right to study and work in a respectful, positive and safe environment. All MIE students have the responsibility to work to develop and maintain a high degree of courtesy, dignity, respect, tolerance and sensitivity towards others as they learn and socialise together.
- 1.3 For students, staff and other community members, MIE nurtures and promotes a collegiate environment which is free from bullying, harassment and sexual harassment. This does not affect academic freedom, the values of free open enquiry and discussion of ideas, or humour.
- 1.4 MIE may deviate from this Dignity and Respect Student Policy (the "**Policy**") where it determines it appropriate to do so.

2 Purpose

This Policy sets out to achieve the following:

- 2.1 To state clearly that MIE expects students to have dignity and respect towards all people they engage with and interact with in the course of their studies in MIE;
- 2.2 To highlight students' responsibility to promote an environment in which diversity and respect is practised;
- 2.3 To support good communications amongst all students and to set standards of behaviour which are acceptable within MIE or at external events where students are representing MIE;
- 2.4 To set out the individual responsibility of every student in making themselves aware of and abide by this Policy;

- 2.5 To provide guidance to students on appropriate and respectful methods of resolving conflicts and disagreements;
- 2.6 To empower students to resolve interpersonal issues and issues related to dignity and respect using informal resolution methods and mediation as early as possible if it is appropriate;
- 2.7 To raise awareness about the prevention of bullying, harassment and sexual harassment;
- 2.8 To raise awareness of the effects of bullying, harassment and sexual harassment on individuals in the learning environment;
- 2.9 To promote a climate in which students feel able to raise complaints¹ of bullying, harassment or sexual harassment without fear of retaliation or victimisation;
- 2.10 To set out processes for addressing complaints of bullying, harassment and sexual harassment which uphold the rights of both the complainant and the person against whom the allegation is made (the “respondent”).

3 Scope

This Policy applies to the behaviour of MIE students in all locations and situations, including:

- 3.1 The MIE campus
- 3.2 The campus of any other institution or place where students are representing MIE, including work placement sites
- 3.3 At events such as social functions, conferences, sporting events, field trips or work assignments which are related to MIE, to a person’s study, or at which a person is representing MIE
- 3.4 In writing, on the telephone, by email, on social media or on any other part of the internet in any MIE-related activity.

¹ See [Student Complaints Procedure](#)

- 3.5 This Policy will be widely publicised and its content made known to all students through the MIE website and other outlets. All new students will be informed of the existence of this Policy during orientation.

4 Definitions

4.1 What is Bullying?

- 4.1.1 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 study, which could reasonably be regarded as undermining the individual's right to dignity and respect.
- 4.1.2 Bullying is defined in the Report on a National Survey of Student Experience of Bullying in Higher Education Institutions in Ireland by Michael Goldrick and colleagues in Dublin City University, which in turn is adapted from UNESCO:
- Bullying is in-person behaviour between students within a social network that causes physical, emotional, or social harm to targeted students. When such behaviour takes place online, it is referred to as cyberbullying or online bullying. Bullying is typically characterised by an imbalance of power that is enabled or inhibited by the social and institutional norms and context of schools and the education system (p. 9).*
- 4.1.3 Bullying is a serious matter and can manifest itself in varying ways.
- 4.1.4 An isolated incident of the behaviour described in this definition may be an affront to one's dignity but, as a once-off incident, is not considered to be bullying.
- 4.1.5 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 by MIE when dealing with cases of bullying.

4.2 Examples of Bullying:

- Verbal abuse/insults and name calling;
- Persistent, unjustified criticism and sarcasm;
- Exclusion with negative consequences;

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- Belittling a person's opinion;
- Disseminating malicious rumours, gossip or innuendo;
- Socially excluding or isolating a person;
- Public or private humiliation;
- Shouting at peers in public and/or in private;
- Sneering;
- Instantaneous rage often over trivial issues;
- Demeaning remarks;
- Nicknames;
- Ridicule;
- Persistent criticism;
- Persistent identification of one person as "a joke";
- Threats;
- Repeated putdowns;
- Offensive jokes;
- Derogatory graffiti;
- Cyber bullying;
- Written insults by electronic messaging;
- Shoving or jostling;
- Aggressive behaviour or physical intimidation;
- Unwanted physical contact up to and including assault;
- Interfering with personal property.

This list is not exhaustive.

Examples of behaviour not considered bullying include

- A one-off incident;
- Expressing differences of opinion strongly;
- Offering of essential feedback, guidance, advice or constructive criticism about academic work or performance on placement.

4.3 What is Harassment?

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This Policy adopts the definition of harassment as outlined in the Employment Equality Acts 1998 – 2015 (the “EEA”): *“any form of unwanted conduct related to any of the nine discriminatory grounds and being conduct 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.”*

The following are nine discriminatory grounds set out in the EEA:

- **Gender:** A man, a woman, a non-binary person or a transgender person;
- **Civil status:** Single, married, separated, divorced, or widowed;
- **Family status:** A parent of a person under 18 years or the resident primary carer or a parent of a person with a disability;
- **Sexual orientation:** Gay, lesbian, bisexual, asexual or heterosexual;
- **Religion:** Different religious belief, background, outlook or none;
- **Age:** This applies only to persons aged 16 and over;
- **Disability:** This is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions;
- **Race:** A particular race, skin colour, nationality or ethnic origin;
- **Membership of the Traveller Community:** People who are commonly called Travellers who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

4.4 Harassment may consist of a single incident or repeated inappropriate behaviours.

Many forms of behaviour may constitute harassment, including:

- 4.4.1 Verbal harassment (jokes, comments, ridicule);
- 4.4.2 Written harassment (text messages, emails, notices);
- 4.4.3 Physical harassment (gestures, threatening poses, any form of assault, unnecessary touching);
- 4.4.4 Intimidatory harassment (gestures, posturing or threatening poses);
- 4.4.5 Visual displays (posters, emblems, badges);
- 4.4.6 Isolation or exclusion from social activities;

- 4.4.7 Pressure to behave in a manner that the person thinks is inappropriate – e.g. being required to dress in a manner unsuited to a person’s ethnic or religious background.

This list is not exhaustive.

4.5 What is Sexual Harassment?

The EEA defines sexual harassment as *“any form of unwanted 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.”*

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 are unwelcome to the recipient and could reasonably be regarded as sexually disrespectful, 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 by MIE when cases of sexual harassment are investigated.

4.6 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 or other electronic means;
- Physical: any unwelcome physical contact, up to and including assault.

The above examples of sexual harassment are not exhaustive and any behaviour of a similar nature may also be dealt with under this Policy. Sexual harassment applies to incidents of a sexual nature between individuals of the same sex as well as between those of different sexes.

4.1 The Effects of Bullying, Harassment and Sexual Harassment

Bullying, harassment, and sexual harassment can affect many aspects of MIE life and all concerned – the individual being bullied, harassed or sexually harassed of course, but also fellow students, others in the organisation and the person being accused of bullying, harassment or sexual harassment. It affects an individual's dignity and wellbeing. For example, there can be:

- i. Damage to morale;
- ii. Poor performance in study or placement;
- iii. Culture of fear;
- iv. Anxiety;
- v. Depression;
- vi. Damage to self-esteem;
- vii. Mental ill health
- viii. Loss of respect;
- ix. Loss of confidence;
- x. Increased absenteeism and ill health;
- xi. Poor services to students;
- xii. Damage to MIE's reputation if motivation or efficiency is impaired.

4.2 Support Services

- 4.2.1 Students who are concerned about incidents of bullying, harassment or sexual harassment, e.g. as peers, friends, witnesses, or as people against whom an offence has been committed, should feel free to seek confidential help and advice. It is strongly recommended that they do so (see section 4.2.3 below).
- 4.2.2 Given the personal nature of bullying, harassment or sexual harassment, the recipient may need to discuss their concerns in confidence with someone else, in a safe environment. It is strongly recommended that the aggrieved party keeps a record of incidents as they occur: what happened, dates, times, places, witnesses (if any), their response and the impact on them.
- 4.2.3 The first ports of call for student support and guidance through the process would be one or more of the following:
- The student's personal tutor²
 - A doctor at Fairview Medical Centre
 - The MIE Counselling Service
 - A member of the [Students' Union](#), such as the Welfare Officer.
 - The chaplain
 - The Student Engagement Officer

4.3 What do I do if I have been accused of bullying, harassment or sexual harassment?

Being the subject of a complaint can be upsetting and may leave you feeling vulnerable and alone. It can be helpful to talk to someone about what is happening. The supports in 4.2.3 above are available to any student who is accused of bullying, harassment or sexual harassment.

5 Informal Process

5.1 Initial Informal Process

MIE is aware of and recognises the effect that bullying, harassment or sexual harassment can have on its students. However, where it is safe and appropriate to do so, MIE is of the view

² See [Tutor System Policy](#) and [Tutor System Procedure](#)

that an informal approach to solving matters can often be effective. In the first instance, an attempt should be made to address an allegation of bullying, harassment or sexual harassment on an informal basis through the procedure set out below.

- 5.1.1 If the complainant believes they are being bullied, harassed or sexually harassed, and if they feel comfortable in doing so, the complainant should explain clearly to the respondent that they find the behaviour in question to be unacceptable. The complainant should provide to the respondent as much detail as possible about the subject matter of their complaint (dates, times, witnesses etc.)
- 5.1.2 It may be more suitable for the complainant to put their concerns in writing to the respondent focusing on the alleged offending acts and the effects they have on the complainant.

The focus of the Initial Informal Process is to seek to resolve the matter informally by agreement without recourse to any other step. An informal discussion is often sufficient to alert the respondent to the effects of the alleged behaviour and can lead to a greater understanding and an agreement that the behaviour will stop. It can also lead to an explanation of the original intention of the behaviour and/or an agreement to modify the behaviour. On the other hand, it may be that the behaviour is valid and reasonable and the reaction of the complainant is at odds with the generally accepted understanding of the behaviour.

If the Initial Informal Process is unsuccessful or if the complainant or MIE deems it appropriate due to the seriousness of the issues, the Secondary Informal Process may be initiated.

5.2 Secondary Informal Process

- 5.2.1 MIE will nominate an appropriate person to deal with the complaint on behalf of MIE ("Nominated Person").
- 5.2.2 The complainant should refer their complaint to the Nominated Person orally or in writing giving concrete examples of the alleged inappropriate behaviour, the dates of any such incidents and details of witnesses, where possible. If given orally, the Nominated Person will take a note of the complaint, a copy of which will be provided to the complainant.

- 5.2.3 The Nominated Person will deal with the complaint on behalf of MIE by establishing the facts, the context of the complaint and the next course of action in dealing with the matter under the informal process.
- 5.2.4 If the complaint concerns alleged bullying, harassment or sexual harassment, and includes concrete examples of inappropriate behaviour, the respondent will be presented with the complaint and their response established.
- 5.2.5 Thereafter a method will be put in place to progress the issue to resolution so that both parties can return to a harmonious academic environment without bullying, harassment or sexual harassment being a factor. Steps to stop the alleged bullying, harassing or sexually harassing behaviour, where it has been partly or fully identified, and monitoring of the situation along specified lines will be implemented with both parties, if appropriate in the circumstances. This may involve a direct or indirect approach and possible resolution through a relevant programme to change behaviour.
- 5.2.6 A proposal for resolving the matter should be made, considered and an action and timeframe established, signed and dated, preferably by both parties.
- 5.2.7 The Registrar's Office will keep a record of all stages including the complaint, the first meeting, the action agreed, and signed records of the final meeting, in line with the Records Retention Schedule.
- 5.2.8 The Registrar will be kept informed, as appropriate, about the process in train.
- 5.2.9 If the behaviour complained about does not concern alleged bullying, harassment or sexual harassment, an alternative approach will be put in place and a rationale recorded.

5.3 Closure of Informal Process

The following are the most likely outcomes of the Informal Process:

- In many situations, with the co-operation of all parties, the matter can rest here.
- In some cases, additional support or periodical reviews may be appropriate.
- Where a student's complaint has been assessed as vexatious, the matter may be progressed through the Disciplinary Procedure in Respect of Students.
- Initiation of the Formal Process.

6 Formal Process

6.1 Formal Complaint

- 6.1.1 To begin with, the complainant should make a formal complaint in writing. The formal complaint should be signed and dated and given to the Registrar (or where the complaint is against the Registrar, to the President). The formal complaint should be confined to concrete examples of the alleged bullying, harassment and/or sexual harassment, the dates of any such incidents, and details of witnesses, where possible.
- 6.1.2 The respondent will then be notified in writing that an allegation of bullying, harassment and/or sexual harassment has been made against them. The respondent will be given a copy of the complaint, any relevant documents, including a copy of this Policy, and advised that they will be afforded an opportunity to respond to the allegation(s).
- 6.1.3 The complainant and the respondent will be advised of the aims of the Formal Process, the procedures and approximate timeframe involved, and the possible outcomes. Both parties will be assured of support, as required, throughout the process.

6.2 Investigation

- 6.2.1 One or more qualified people will be appointed by the Registrar to be responsible for carrying out an investigation into the complaint. The scope/terms of reference of the investigation should indicate that the investigator will decide, based on the information before them, whether the behaviour complained of may have occurred. The investigator should not uphold or dismiss the allegations and/or suggest or impose sanctions.
- 6.2.2 MIE will outline the terms of reference for the investigator and an indicative timeframe for the investigation. If MIE considers it appropriate to do so, MIE reserves the right, at its discretion, to appoint or engage an external third party to conduct the investigation.
- 6.2.3 The investigator will meet the complainant, the respondent and any witnesses, as part of the investigation. Statements from all parties, including witnesses, will be

recorded in writing. Copies will be given to those making statements as well as to the complainant and the respondent.

- 6.2.4 At any meetings held under the Formal Process the complainant and the respondent may be accompanied by a member of the Students' Union, by a colleague, a friend or family member. MIE reserves the right, where appropriate, to refuse the chosen representative's attendance at the meeting. The complainant and the respondent will be given the opportunity to change their chosen representative.

Once the investigation is complete:

- i. The investigator will decide based on the information before them, on the balance of probabilities, whether the behaviour complained of may have occurred.
- ii. The investigator will produce a draft written report outlining the details of the complaint, the response of the respondent, and summarising the information gathered during the investigation, their findings and the reasons for their findings.
- iii. The complainant and respondent will be given an opportunity to comment on the draft report, typically within three college days, for the purpose only of correcting any factual or other inaccuracies in advance of the report being finalised by the investigator.
- iv. If the investigator concludes that the respondent has a case to answer, then the investigator may recommend that MIE invokes the relevant disciplinary procedure. MIE may also decide to invoke the disciplinary procedure if it believes it is appropriate to do so. Any decision in relation to invoking the disciplinary procedure is at the discretion of MIE.
- v. The Registrar will communicate their decision in relation to the investigator's findings to both the complainant and respondent.

6.3 Appeal

The complainant may appeal the outcome of the Formal Process to the President of MIE, or their nominee, in writing within five college days of MIE's decision. The reasons for the appeal should be set out in writing. The appeal may be dealt with in writing only or alternatively be heard by an appropriate person (not the original investigator) as MIE may decide. For the avoidance of doubt, the appeal is not a re-hearing of the original issues, it will focus on any

issues which the complainant/respondent has with the conduct of the investigation in terms of fair process and adherence to procedure. The outcome of the appeal will be final.

6.4 Closure of Formal Process

MIE may decide to take action to include counselling, monitoring, mediation and/or invoking the Disciplinary Procedure in Respect of Students or where a complaint is made against a staff member, the Staff Disciplinary Procedure, as appropriate.

MIE will not tolerate frivolous and/or vexatious allegations of bullying, harassment or sexual harassment and may invoke the Disciplinary Procedure in Respect of Students against the complainant if it believes that allegations made may have been deliberately malicious. This will not be the case where a complaint is made in good faith.

7 Mediation

Mediation is an alternative method of resolving issues relating to bullying, harassment and sexual harassment and can be availed of at any stage in the process. Mediation involves the parties seeking to arrive at a solution through mutual agreement, rather than through an investigation.

Mediation provides a confidential opportunity for the person who feels that they were bullied, harassed or sexually harassed and the person(s) accused of carrying out this inappropriate behaviour to discuss the matter and to reach an agreement on their continuing relationship as members of the MIE community. Mediation is conducted in private and is directly between the parties concerned, with the support of a mediator, who will act as an independent facilitator. Either party may withdraw from the process at any time by notifying the mediator, in writing, that they wish to do so.

If both parties agree to resolve the issue by mediation, MIE will arrange the mediation process. An appropriate person, acceptable to both parties from within or outside MIE will be assigned as mediator.

Information disclosed in the course of mediation (or any other similar process) must remain within the mediation process and will not be given by the mediator to anyone, including an investigator if there is a subsequent investigation at the formal stage. Confidentiality is crucial

for this stage to be effective and breaches of confidentiality, where exposed, may result in disciplinary action.

If the mediation process results in an agreement acceptable to both parties, the mediator will draw up a written record of the terms of the settlement for signature by both parties.

If mediation breaks down or fails to achieve its goal, the matter can be processed through the other stages of the procedure outlined in this Policy. The person involved in the mediation process will not be involved in the investigation process.

8 Confidentiality

Confidentiality by MIE and all those involved in the process as outlined in this Policy should be maintained to the greatest effort consistent with the requirements of a fair investigation. A breach of confidentiality may result in disciplinary action.

9 Retaliation against a complainant

Any victimisation or, or retaliation by any member of the MIE community against a complainant, against a student supporting a complainant, or against a student who gives evidence regarding the allegation of bullying, harassment, or sexual harassment, may result in disciplinary action up to and including expulsion or dismissal, as appropriate. Adverse action will not be taken against a student because they in good faith, report or participate in the investigation in accordance with this Policy.

10 Malicious/false claims

Where it is believed that there is an abuse of this Policy by bringing forward malicious, intentionally exaggerated or knowingly false claims, MIE's Disciplinary Procedure in Respect of Students may be invoked against a complainant, which may result in disciplinary action up to and including expulsion.

11 Monitoring and support

MIE will continue to monitor the situation after a complaint has been made to ensure that the inappropriate behaviour does not recur. MIE is committed to ensuring that all parties are supported during and in the aftermath of a complaint and investigation. In some circumstances this may involve referral to the Student Counselling Service.

12 Review

MIE reserves the right to make any changes and amendments to this Policy that it considers necessary at its sole discretion.

13 Related Documents

13.1 [Admission, Access and Transfer Policy](#)

13.2 This Policy is adapted from the [Trinity Dignity and Respect Policy](#). That Policy is informed by statutory legislation, relevant codes of practice and policies which protect Dignity and Respect:

13.2.1 [Employment Equality Acts 1998-2015](#)

13.2.2 [Equality Status Acts, 2000-2012](#)

13.2.3 [Disability Act, 2005](#)

13.2.4 [Employment Equality Act, 1998 \(Code of Practice\) \(Harassment\) Order 2012](#)

13.2.5 [The Workplace Relations Commission \(WRC\) Code of Practice on Addressing Bullying in the Workplace](#).

13.3 The Policy was considered by the MIE Academic Council, which includes representatives of staff, students and the Governing Body

13.3.1 [Academic Council Terms of Reference](#)

13.3.2 [Code of Governance](#)

13.3.3 [Matters Reserved for the Governing Body of MIE](#)

13.4 [Disciplinary Policy](#)

13.5 [Tutor System Policy](#)

13.6 [Tutor System Procedure](#)

13.7 [Student Complaints Procedure](#)

13.8 [Court of First Appeal Process](#)

13.9 [Court of Second Appeal Process](#)

13.10 [Guidelines on Evidence in Support of an Ad Misericordiam Appeal](#)

- 13.11 Goldrick, Ging, Connolly and Jones (2023). *Report on a National Survey of Student Experiences of Bullying in Higher Education Institutions in Ireland*. Dublin: Dublin City University.
- 13.12 McNeela, P, Dawson, K., O'Rourke, T., Healy-Cullen, S., Burke, L. and Flack (n.d). *Report on the National Survey of Student Experience of Sexual Violence and Harassment in Irish Higher Education Institutions*. Dublin: HEA.
- 13.13 [Records Retention Schedule](#)

14 Information for Witnesses

14.1 The approach

- i. You will be contacted either in person or in writing by the investigators of a formal complaint and asked to attend a meeting with them (and only them) at a specific date/time. It will usually state that you have been named by STUDENT X or STAFF MEMBER X as a witness in a complaint.
- ii. You should co-operate with this request, and, if unsure about what to do next, you can contact one of the Support Services listed in this Policy.

14.2 Information about a complaint³:

The witness will be given very little information with regard to the content of the complaint. The only information you will receive is around that event you may have witnessed. You may be asked to clarify the content of an interaction. You will not be given any information on the outcome of the situation. Although this can be seen as frustrating, this is to protect the confidentiality of the parties involved.

14.3 Confidentiality

You will be expected to maintain strict confidentiality about becoming a witness and about the content of the meeting. Consequently, you should not discuss this with any of your classmates or colleagues or the complainant or alleged harasser.

14.4 What evidence should I give?

Be truthful during the process. Only give evidence which you have directly witnessed, not that you have heard or been told by other classmates or colleagues. If you cannot recall precisely the events, state this clearly.

14.5 Do I get copies of my statements?

If you wish, you can get copies of the notes taken during your meeting with the Investigators.

14.6 Is there protection from victimisation?

³ See [Student Complaints Procedure](#)

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Staff members or students who have agreed to go forward as a witness or have given evidence in proceedings are protected under this Policy from victimisation. Every effort will be made to ensure you will not be negatively affected by agreeing to participate in the process.

14.7 What support is available?

Staff members or students may find it stressful to be a part of this process. If you wish to seek support, you can contact the appropriate professional service. They will talk you through the issues at hand, endeavour to help relieve the stress, and will work with you on a strategy for handling the matter.

14.8 Will this information be kept on my file?

No information will be kept on your file regarding your participation in the case unless you are directly involved e.g. as complainant or as respondent.