



**TUS**

**Technological University of the Shannon:  
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:  
Lár Tíre Iarthar Láir

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**TUS Student Policy on Dignity and Respect: Dealing with Harassment  
and/or Bullying among Students 2022 – 2025**



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## 1.0 Introduction

Technological University of the Shannon: Midlands Midwest (hereafter referred to as the Technological University or TUS) is a regionally focused higher education institution with a national and international outlook. It empowers its diverse student body by providing a quality higher education experience, enabling economic, social and cultural development. The mission of the Technological University includes the aspiration to be a contemporary and engaged technological university distinguished by outstanding learner experience, international focus and impactful and applied research.

Among its shared values is a commitment to *Professionalism, Supportiveness, Equity and Inclusiveness and Transparency and Integrity* <sup>[1]</sup>.

- Professionalism: we will be professional and respectful in all our interactions with students, staff members and other stakeholders; we will continuously refine our professional practice to take account of relevant research and scholarship
- Supportiveness: we will provide a supportive and protective environment for students, staff members and other stakeholders that empowers them to achieve their full potential
- Equity and inclusiveness: we will value and promote inclusiveness, equity of opportunity and respect for all students and staff, especially those from under-represented groups, such as ethnic minorities and persons with disabilities
- Transparency and Integrity: we will be open, transparent and accountable, and we will display integrity in all our dealings with staff, students and other stakeholders

The Technological University supports an inclusive and supportive environment of dignity and respect where students can develop to their full potential. The University is committed to promoting a learning environment that values personal dignity and respect. The University recognises that Harassment and/or Bullying among students can seriously damage the learning environment and be detrimental to the well-being of students affected. The Technological University will take appropriate steps to ensure a learning environment that is free of Harassment and/or Bullying and such incidents will be regarded seriously and will not be tolerated by the University. Each student at TUS is entitled to study in an environment that is free of Harassment and/or Bullying and this policy is intended to support a healthy learning environment.

## 2.0 Purpose of the Policy

The purpose of this Policy is to foster a culture of dignity and respect among TUS Students. This policy defines Harassment and/or Bullying and outlines the relevant statutory context. It sets out procedures for dealing with Harassment and/or Bullying among students at TUS. The procedures for dealing with alleged complaints of harassment and/or bullying may be utilised to informally resolve, where possible, or to investigate complaints of bullying and/or harassment made by one student member of the Technological University with respect to another student member of the Technological University.

Specifically, the policy:

- a) Outlines the procedure for students in the event of complaints of Harassment and/or Bullying being made;
- b) Provides a fair, consistent and expeditious mechanism to process complaints of Harassment and/or Bullying among students;
- c) Functions in a manner that affords all concerned hold their full rights in accordance with natural justice.

## 3.0 Scope of the Policy

The policy applies to all registered Students of the Technological University. All students are required to observe this Student Policy on Dignity and Respect: Dealing with Harassment and/or Bullying among Students at all times within the Technological University, travelling to and from the Technological University, outside the Technological University if representing the Technological University and/or on Technological University business including Work Placement, and on all other occasions when identifiable as students of the Technological University.

This Policy also applies to all online activity of registered students when engaged in Technological University business or when representing the Technological University online. Students participating in Work Placement should be made aware of the relevant Harassment and/or Bullying policies of their placement organisations as part of placement preparation.

In accordance with Section 2 of the Technological Universities Act 2018 <sup>[2]</sup>, "student, in relation to an institute or technological university, means-

- (a) a person registered as a student by the institute or technological university,
- or

(b) a full-time officer of the student union who was first elected to his or her office while he or she was registered as a student by the institute or technological university"

### 3.1 Exclusions from the Policy

3.1.1 This Policy does not cover incidences of sexual misconduct including sexual violence and sexual harassment. Allegations of this nature are covered under the *TUS Policy and Procedure to Address Sexual Misconduct* <sup>[3]</sup>.

3.1.2 This policy does not cover Student/Staff Harassment and/or Bullying complaints and such complaints are dealt with as follows:

(a) a Staff complaint about a Student of harassment and/or bullying shall be dealt with under the *TUS Student Code of Conduct and Discipline*. <sup>[4]</sup>

(b) a Student Complaint about a Staff member of harassment and/or bullying shall be dealt with under the *TUS Student Complaints and Problem Resolution Procedure*. <sup>[5]</sup>

### 4.0 What is Harassment and/or Bullying?

Harassment and/or Bullying can be generally categorised as behaviours which are unwanted, unwelcome, offensive or intimidating to the recipient and it is these characteristics that distinguish Harassment and/or Bullying from behaviour which is mutual, welcome and friendly. Harassment and/or Bullying are characterised and defined by the impact of the behaviour on the recipient rather than the intention of the offender. The adverse effects of such behaviour on a student and the Technological University in which they study are recognised. In addition, the potential for adverse impacts on learning for affected students are equally recognised.

Harassment and/or Bullying can affect the physical health, mental health, well-being, confidence, morale and performance of those affected by it. It can cause stress, depression, low self-confidence, and low self-esteem, that in addition to these health-related consequences, could result in poor performance in work and study. As a consequence, this could interfere with the opportunity for all students to have a safe and productive learning environment.

In addition to being a violation of this policy, many forms of these inappropriate behaviours are unlawful.

## 4.1 Definitions and Examples of Harassment and/or Bullying

### 4.1.1 Harassment

For the purposes of this policy, harassment is defined in accordance with the Employment Equality Acts 1998-2015<sup>[6]</sup> as:

*“any form of unwanted conduct related to any of the nine discriminatory grounds that 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 nine discriminatory grounds as specified in the Acts include:

1. **Gender:** a person's gender identity including male, female, other;
2. **Civil status:** a person's civil status, be it single, married, separated, divorced, widowed, civil partner, former civil partner;
3. **Family status:** being pregnant, a parent of a person under 18 years, or the resident primary care giver or parent of a person with a disability;
4. **Age:** a person's age, this does not apply to a person aged under 16. Children are covered by Child Protection legislation;
5. **Race and ethnicity:** a particular race, skin colour, nationality or ethnic origin;
6. **Religion:** a person's religious belief, background, outlook or none;
7. **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions;
8. **Sexual orientation:** a person's sexual orientation including gay, lesbian, bisexual, or heterosexual;
9. **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.

#### Examples of Harassment:

- Treating people less favorably or subjecting them to ridicule on any of the nine discriminatory grounds listed in Section 4.1.
- Demeaning or derogatory remarks or behaviour, name-calling or mimicking.
- Isolation, non-cooperation or exclusion within the learning environment.

- Unwelcome comments on appearance.
- Unwarranted criticism on work performance.
- Production, display or circulation of offensive material.
- Questions or insults about one's private life.
- Leering, offensive gestures or whistling.
- Threats of or actual physical assault.
- Sending online posts with negative and/or harmful content about someone.
- Sharing personal information over social media (such as blogs, wikis, and forums), messages or email.
- Posting or re posting, photo or visual posts.

#### 4.1.1.1 Racial Harassment

For the purposes of this policy, racial harassment is defined in accordance with Cambridge University definition and the MacPherson Report (1999)<sup>[7]</sup> as:

*“an incident or a series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality, and a racist incident is any incident that is perceived to be racist by the victim or any other person”.*

#### Examples of Racial Harassment:

- Unwelcome comments based on racial stereotypes;
- Innuendo or jokes about a person's race or ethnic origin.

## 4.2 Bullying

For the purposes of this policy bullying is defined in accordance with the Safety, Health and Welfare at Work Act 2005<sup>[8]</sup>, Report of the Task Force on the Prevention of Workplace Bullying 2001<sup>[9]</sup> and the Report of the Expert Advisory Group on Workplace Bullying 2004<sup>[10]</sup> as:

*‘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 (studies), which could reasonably be regarded as undermining an individual's right to dignity’.*

An isolated incident of the behaviour described in this definition may be an affront to

dignity but as a once off incident is not considered to be bullying as it lacks persistence.

- 4.2.1 Bullying can be described as a destructive and malicious attempt to target a particular individual or individuals. It is persistent harassment, other than sexual harassment, which results in the person, subjected to the behaviour feeling upset, threatened, humiliated or vulnerable.
- 4.2.2 Bullying can include, but is not limited to, verbal, gesture physical or cyber bullying, exclusion or extortion.
- 4.2.3 It can be sexual, ageist, sectarian or racial, in form or in undertone, or it can offend because of a person's disability.
- 4.2.3 Cyber bullying is bullying carried out over any digital device including the internet or mobile phones, through social networking sites, email and texts.

#### Examples of Bullying:

- Social exclusion and isolation.
- Damaging someone's reputation by gossip or rumours.
- Intimidation.
- Aggressive or obscene language.
- Repeated requests with impossible tasks or targets.
- Using open aggression, threats, shouting abuse or the use of obscenities.
- Humiliation, sneering or ridicule.
- Unwanted physical contact, horseplay, offensive gestures.
- Unreasonable scrutiny or unreasonable demands.
- Taking credit for another person's work.
- Undermining a person's authority or dignity.
- Oral or written slurs such as personal insults.
- Persistent unjustified criticism and sarcasm.
- Public or private humiliation (including in online fora).
- Repeatedly sending online posts with negative and/or harmful content about someone or sharing personal information.

## 5.0 Statutory Rights

The upholding of a complaint under the procedures described in Section 6.0 of this policy does not take from the natural justice and procedural rights of the student who is found to have harassed or bullied another student.

The following rights are relevant:

- a) A Subject of the Complaint, where upheld, shall be allowed various rights of appeal in accordance with any agreed disciplinary procedures;
- b) Nothing in the informal or formal procedures set out in this Policy can overrule the statutory rights of an individual;
- c) Claims of Harassment under the nine grounds set out in the Employment Equality Act, 1998-2015<sup>[6]</sup>, may be taken under the provisions of that Act;
- d) The Equal Status Acts 2000-2015<sup>[11]</sup>, as amended prohibits discrimination on the provision of goods and services, accommodation and education. These Acts also cover the nine discriminatory grounds listed in Section 4.1;
- e) In implementing the procedures set out in this Policy, the Technological University will be mindful of its obligations to students under relevant legislation including but not limited to; the Equal Status Acts 2000-2015<sup>[11]</sup> as amended; the Employment Equality Acts 1998-2015<sup>[6]</sup>; the Child First Act<sup>[12]</sup>;
- f) The Procedures outlined this policy will be implemented in a manner compliant with the Data Protection Acts 1988 to 2018<sup>[14]</sup>; and the General Data Protection Regulation (EU) 2016/679<sup>[12]</sup> and the *TUS Data Governance Policy*<sup>[15]</sup>.

## 6.0 Procedures for Dealing with Complaints of Harassment and/or Bullying Among Students in TUS

### 6.1 The Stages of the Procedure

A complaint, of harassment and/or bullying, under the procedures outlined in this policy must be made within a 6-month period of the last act of an alleged behaviour/incident occurring.

The stages of the Procedure including the Appeal are:

- Stage 1, Informal Procedure;

(A) Local Resolution

(B) Consultation

- Stage 2, Formal Procedure, Investigation by Investigating Officer;
- Stage 3, Appeal to Complaint of Harassment and/or Bullying Appeals Board.

The objective of Stage 1 (A) is to obtain a local resolution to the alleged Harassment and/or Bullying between the *Complainant* and the *Subject of the Complaint* among themselves. In the event that this is not possible, or the *Complainant* feels that they cannot directly address the *Subject of the Complaint*, the objective of Stage 1 (B) is to obtain a resolution of the alleged behaviour through consultation in a further informal process. If the informal procedures do not result in a resolution of the alleged harassment or bullying, then the objective of Stage 2 is to carry out a Formal Investigation.

## 6.2 Definitions of Persons/Committees Involved

The following definitions apply to the persons involved in the procedures as outlined in this policy:

| Person                           | Definition                                                                                                                                                                       |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complainant                      | A student who makes a complaint of harassment and/or bullying against another student.                                                                                           |
| Subject of the Complaint         | A student who is alleged to have harassed and/or bullied the complainant.                                                                                                        |
| Student Facilitator <sup>1</sup> | A person nominated by the Technological University to provide impartial advice to Students on the operation of the Policy and to coordinate the formal Stages of this procedure. |
| <b>Informal Procedures</b>       |                                                                                                                                                                                  |
| Head of Department               | The Head of Department, or their nominee, in which the Student is registered on a programme.                                                                                     |

|                                                                    |                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mediator <sup>2</sup>                                              | A person nominated by TUS trained in Mediation to assist with the informal resolution stage of this procedure.                                                                                                                                                                                                                                     |
| <b>Formal Procedures</b>                                           |                                                                                                                                                                                                                                                                                                                                                    |
| Investigating Officer <sup>3</sup>                                 | A senior member of TUS Staff normally, a Head of Department, Dean of Faculty/School or their nominee, appointed by the Registrar/Assistant Registrar in accordance with Section 6.7.2 of this Policy.                                                                                                                                              |
| Complaint of Harassment and/or Bullying Appeals Board <sup>4</sup> | <p>An Appeals Board appointed by the Technological University to review an Investigation and Findings of an alleged complaint of harassment and/or bullying conducted under the Formal Stage 2 Investigation.</p> <p>The composition of the Complaint of Harassment and/or Bullying Appeals Board is specified in Section 8.8.6 of this Policy</p> |

1. The primary roles of the Student Facilitator are to:
  - a) provide students with advice in relation to the workings of this policy;
  - b) play a coordinating role at Stage 2 and Stage 3 of this procedure. Appendix 1
2. The primary role of the Mediator is to:
  - c) act as a trusted person or mediator at the Informal Stage 1 (B) of this procedure;
3. The primary roles of the Investigating Officer are to:
  - a) investigate any complaint of Harassment and/or Bullying on behalf of the Technological University during the Formal Stage 2 of this procedure;
  - b) make a decision with respect to the alleged incident of Harassment and/or Bullying during the Formal Stage 2 of this procedure;
  - c) determine an appropriate action with respect to their decision during the Formal Stage 2 of this procedure.
4. The primary roles of the Harassment and/or Bullying Appeals Board is to:
  - a) review an Investigation and Findings of an alleged complaint of harassment and/or

- bullying conducted under the Formal Stage 2 of this procedure;
- b) make a decision with respect to the review of the Formal Stage 2 Investigation of this procedure;
  - c) determine appropriate action with respect to their decision during the Formal Appeal of this procedure;
  - d) communicate the outcome of the review to the relevant parties.

### 6.3 Rights of Persons Involved

6.3.1 Observing this Student Policy on Dignity Respect entails respecting the rights of others and showing them due courtesy and respect. In addition to observing this Policy TUS Students are also required to adhere to the TUS *Student Code of Conduct and Discipline*<sup>[14]</sup>.

6.3.2 This Procedures for dealing with alleged incidents of harassment and/or bullying herein aim to provide a *Complainant* and/or the *Subject of an Allegation* natural justice and to protect the civil rights of all involved while dealing with matters in a respectful manner.

Both the *Subject of an Allegation* and *Complainant* have the right to:

- receive appropriate notification at all stages in accordance with the procedures set out;
- privacy and confidentiality as is reasonably possible;
- have their right to dignity and respect upheld at all times;
- be accompanied during the formal stages of the procedures as set out in this Policy.

6.3.3 Any Student that is a party to the Procedures set out in this Policy has a right to access Student Support Services where relevant.

6.3.4 Students that are the Subject of an allegation of harassment and/or bullying have a right to know what allegation is being made and who is invoking the Procedure.

### 6.4 Identifying the Issue(s) and the Initial Steps

If a student is experiencing Harassment and/or Bullying from another student it is important to identify the behaviour that is causing concern and to document all associated aspects of the behaviour.

6.4.1 The following steps are recommended for the complainant:

- a) Identify the behaviour that is causing concern;
- b) Talk to someone that can be trusted in relation to the alleged harassment or bullying;
- c) Log all incidents of harassment or bullying: dates, times and details of the incident;
- d) Write down what the alleged *Subject of the Complaint* said or did, your feelings at the time and a record of your own response;
- e) Ascertain if there were witnesses to the harassment or bullying;
- f) If possible avoid being alone with the person who is causing these problems;
- g) Keep copies of all correspondence.

6.4.2 Students may seek informal support and advice from:

- a) Student Support Services;
- b) Class Representative;
- c) A Staff Member;
- d) Head of Department;
- e) TUS Student Facilitator;
- f) Students Union.

Student Union supports are offered by all TUS SU Officers with additional information available through and the National Student Engagement Programme (NStEP) Class Representative training and on the TUS SU Webpage.

In this context, the role of the parties listed in providing informal support and advice is independent of the *Informal and Formal Resolution Stages* of this procedure.

6.4.5 Any Student that is a party to the Procedures set out in this Policy has a right to access Student Support Services where relevant.

## 6.5 Stage 1 (A), Informal Procedure - Local Resolution

In many cases, complaints of alleged Harassment and/or Bullying may be resolved locally and informally between the parties involved in an amicable way. It may be possible and sufficient for the student concerned to explain clearly to the student allegedly engaging in the unprovoked conduct that the behaviour in question is unwelcome, that it causes offence or makes them uncomfortable and that it interferes with their learning. This may be sufficient to allow a *Subject of the Complaint* to reflect on their alleged behaviour from the perspective of the *Complainant* and desist from any further such behaviour.

- 6.5.1 A student who feels that they may have been harassed or bullied by another student should immediately ask the student allegedly bullying or harassing them to stop.
- 6.5.2 A student, who wishes to make a complaint, may feel that they could directly approach the *Subject of the Complaint* with a view to resolving the complaint. In such a case the *Complainant* should attempt to make an appointment and discuss the matter with the *Subject of the Complaint* with a view to resolving the issue locally. The meeting should be under mutually agreed conditions. Both the *Complainant* and the *Subject of the Complaint* may be accompanied by a mutually agreed person of their choice for support.
- 6.5.3 If however the *Complainant* feels that they cannot directly address the *Subject of the Complaint* they should proceed to Stage 1 (B) of the Informal Procedure, *Consultation with a Student Facilitator*.

## 6.6 Stage 1 (B), Informal Procedure - Consultation

The *Complainant* should arrange to meet with their Head of Department and outline the nature of their complaint. Depending on the nature of the complaint, the Head of Department may explore if there is further scope to resolve the matter locally and advise the student accordingly. If there is no further scope for local resolution, the Head of Department will arrange to request the Registrar's Office to appoint a *Mediator* for consultation.

- 6.6.1 The *Complainant* should ask the *Mediator* to speak to the *Subject of the Complaint* on their behalf.
- 6.6.2 The *Mediator* should speak to the *Subject of the Complaint* to seek to resolve the complaint directly.
- 6.6.3 If a direct resolution is not possible, the *Mediator* may seek the agreement of both

parties to mediate in this informal stage of the procedure. The role of the Mediator in this context is to facilitate the *Complainant* and the *Subject of the Complaint* to reach a mutually agreeable solution, if possible, at this stage of the procedure. The Mediator may seek the assistance of other TUS Staff with specific expertise and training in the resolution of alleged cases of Harassment and/or Bullying as appropriate. The *mediator* does not have any decision-making role in this context.

- 6.6.4 The procedure at Stage 1 (B) should be concluded within 5 working days of the reporting of the matter to the *Mediator*.
- 6.6.5 If the alleged act of Harassment and/or Bullying does not cease, or if in the first instance it is of such a nature that the *Complainant* (following discussion with the *Mediator*) considers that it should be reported, the matter should proceed directly to Stage 2, Investigation.
- 6.6.6 If the complaint is not resolved at Stage 1 (B) the *Complainant* should invoke Stage 2, Investigation, into the alleged Harassment and/or Bullying on behalf of the *Complainant*.

## 6.7 Stage 2, Investigation by Investigating Officer

The Technological University of the Shannon: Midlands Midwest requires confidentiality by those parties who are directly or indirectly associated with the investigation. Every effort will be made to ensure that the investigation is conducted sensitively.

An investigation into the alleged complaint will be conducted by an *Investigating Officer*.

- 6.7.1 If the issue is not resolved at Stage 1, the *Complainant* should submit the complaint in writing, using the application for Written Complaint of Harassment and/or Bullying (Appendix 3) to the *Student Facilitator*.
- 6.7.2 The Student Facilitator will then arrange for the appointment of an Investigating Officer, normally, a Head of Department, Dean of Faculty/School or their nominee. This shall normally be the Head of Department/Dean of Faculty of the Complainant. However, the Student Facilitator in consultation with the Registrar may arrange for the appointment of an Investigating Officer from a different Department/Faculty if deemed appropriate.
- 6.7.3 The *Student Facilitator* will submit a copy of the written complaint to the *Investigating Officer* and request that an investigation into the alleged Harassment

and/or Bullying be conducted.

6.7.4 The *Investigating Officer* shall acknowledge and note that the complaint has been received and deal with the matter as follows:

- a) Supply the *Subject of the Complaint* with a copy of the written complaint and invite their written response;
- b) Arrange a meeting(s) with the parties to the complaint either separately or jointly with a view to resolving the complaint. Such a meeting(s), should be minuted, and normally take place within ten working days of receipt of the written complaint;
- c) Separate meetings may also be held with any relevant witnesses to events and shall be minuted;
- d) The *Complainant* and the *Subject of the Complaint* may each be accompanied in any meetings by another person of their choice for support;
- e) As this process is internal to the Technological University, legal representation is not permitted.

6.7.5 Following conclusion of the investigation, the *Investigating Officer* shall review and consider all the available evidence and make a decision with respect to the alleged complaint.

The *Investigating Officer* may:

- a) Indicate whether or not the matter has been resolved to the satisfaction of all parties;
- b) Uphold the complaint on the basis of the available evidence. (Notification to both parties shall include reference to the right of the *Subject of the Complaint* to appeal the decision);
- c) Deem the complaint to be unfounded. (Notification to both parties shall include reference to the right of the *Complainant* to appeal the decision).

6.7.6 The *Investigating Officer* shall decide what action is appropriate with respect to their decision.

In cases where the complaint is upheld actions may include:

- a) Recommending that the Technological University take certain specific steps to resolve the issue;
- b) Directing the *Subject of the Complaint* to amend their behavior as appropriate;
- c) Directing the *Subject of the Complaint* to apologise to the *Complainant* and specify

- if the apology should be verbal and/or in writing;
- d) Issuing a verbal warning to the *Subject of the Complaint*;
- e) Issuing a written warning to the *Subject of the Complaint*;
- f) Warning the *Subject of the Complaint* as to future conduct and detail possible action for further infringements;
- g) Initiating disciplinary procedures against the *Subject of the Complaint* under the *TUS Student Code of Conduct and Disciplinary Procedures*.<sup>[4]</sup>

In cases where the complaint is not upheld actions may include:

- f) Directing that the complaint be withdrawn.
- 6.7.7 While students are encouraged to avail of this procedure and provided with all the necessary support, it should only be invoked in the case of a legitimate complaint of alleged harassment and/or bullying. A complaint that is not upheld is not necessarily vexatious, malicious or mischievous. However, in cases where the complaint is not upheld and if, following investigation, the evidence shows that the complaint was vexatious, malicious, or mischievous, actions may include:
- a) Directing the *Complainant* to apologise to the *Subject of the Complaint* and specify if the apology should be verbal and/or in writing.
  - b) Issuing a verbal warning to the *Complainant*;
  - c) Issuing a written warning to the *Complainant*;
  - d) Warning the *Complainant* as to future conduct and detail possible action for further infringements;
  - e) Initiating disciplinary procedures against the *Complainant* under the *TUS Student Code of Conduct and Disciplinary Procedures*.<sup>[4]</sup>
- 6.7.8 The *Investigating Officer* shall conclude the investigation under Stage 2, make their decision and convey the findings of the investigation, in writing, to the *Complainant* and the *Subject of the Complaint* within ten working days of completion of the meetings referred to in 6.7.4.(ii).
- 6.7.9 Where the investigation is unable to be concluded within the timescale specified in 6.7.7, the *Complainant* and the *Subject of the Complaint* shall be informed in writing of the revised timescale for receiving a response and the reasons for the delay.

## 6.8 Stage 3, Appeal to the Harassment and/or Bullying Appeals Board

- 6.8.1 An appeal can only be made for a Stage 2 Investigation after this Stage of the Procedures has been completed.
- 6.8.2 The purpose of the Appeal to the Harassment and/or Bullying Appeals Board is to:
- a) consider and review the Appeal of the Formal Stage 2 Investigation as applicable;
  - b) assess if the decisions and actions taken were reasonable in the circumstances;
  - c) aim to reach an internal Technological University decision, which is fair and just.
- 6.8.3 Both the *Subject of an Allegation* or the *Complainant* may appeal:
- a) the decision of the Stage 2 Investigation;
  - b) the actions imposed by the investigating Officer with respect to their decision;
  - c) both (a) and (b) above.
- 6.8.4 The appeal should be submitted to the TUS Student Facilitator in writing, using the *Application to Appeal to the Harassment and/or Bullying Appeals Board Form* (Appendix 4). This should be submitted within 10 working days of receipt of the written response to the preceding stage. The *Subject of the Allegation* or *Complainant* should detail the reasons for requesting the Appeal.
- 6.8.5 The TUS Student Facilitator will acknowledge receipt of the request for Appeal within 5 working days of receipt of the appeal.
- 6.8.6 The TUS Student Facilitator, in consultation with the Vice President of Student Education and Experience shall arrange the appointment of a Harassment and/or Bullying Appeal Board. The Harassment and/or Bullying Appeal Board shall comprise of:
- a) the Chairperson, who shall be a Dean of Faculty/School or their nominee, not previously involved in Stage 2;
  - b) a member of Academic Council;
  - c) a Staff member of the Technological University from a different Department (not involved in the preceding Stages);
  - d) a representative from the TUS Students Union (not involved in the preceding Stages);
  - e) the Secretary to the Appeal Board shall be the Student Facilitator, (their role shall include sending all correspondence to the Appeals Panel and any other relevant parties and convening all associated meetings).

- 6.8.7 The Chairperson shall convene a meeting of the Harassment and/or Bullying Appeals Board, normally within 10 working days of receipt of the request.
- 6.8.8 As part of its review, the Harassment and/or Bullying Appeals Board will have access to all prior records and documents relating to the Investigation that preceded the Appeal. The Panel may request to meet with all parties involved, including the *Subject of the Allegation*, *Complainant*, relevant Dean of Faculty/School and Heads of Department, the Disciplinary Committee and other relevant Technological University staff, individually or collectively as appropriate.
- 6.8.9 The Harassment and/or Bullying Appeals Board will arrange a meeting with the *Subject of an Allegation* to review the situation in order to allow them an opportunity to hear and respond to the alleged complaint of harassment and/or bullying. A contemporaneous record of the meeting shall be taken by the Student Facilitator.
- 6.8.10 The *Subject of an Allegation* is entitled to be supported by an accompanying person at all associated meetings. The *Subject of an Allegation* shall inform the Secretary to the Harassment and/or Bullying Appeals Board no later than 3 working days before the meeting, who will accompany them. The person accompanying the *Subject of an Allegation* shall be given the opportunity to request clarifications but shall not be permitted to speak on their behalf. As this process is internal to the Technological University, legal representation is not permitted.
- 6.8.11 Any additional or new information may normally only be submitted if it was reasonably not available during the Investigation. However, the Appeal Board may at its discretion, accept new information if it deems it appropriate.

The Appeals Board shall endeavour to have completed its review within 30 working days of receipt of the Appeal and has the authority to take the same action as the Stage 2, Investigation. Having completed its review, the Appeal Board will make a determination which may include one or more of the following:

- a) upholding the original decision of the preceding Investigation;
- b) modifying the original decision of the preceding Investigation;
- c) overturning the decision of the preceding Investigation;
- d) requesting a further Stage 2, Formal Investigation and/or reconsideration of findings;

e) making a further determination as specified in the Stage 2, Formal Investigation, Section 6.7.6.

6.8.12 The Chairperson of the Harassment and/or Bullying Appeals Board shall notify the *Subject of an Allegation* and *Complainant*, and relevant Head of Department in writing, normally within 10 working days of the meeting, of the decision of the appeal, the reasons for the decision and any further actions to be taken. If there is a delay in the process, the parties will be notified in writing and given details of the timeframe involved.

6.8.13 The decision of the Harassment and/or Bullying Appeal Board shall be the final and binding stage of this Procedure.

6.8.14 The decision of the Harassment and/or Bullying Appeal Board does not interfere with the Statutory Rights of any parties to the Disciplinary Procedure who may wish to give consideration of pursuing matters further by means of legal proceedings.

#### 6.9 Conduct of Formal Meetings of the Harassment and/or Bullying Appeals Board

6.9.1 The formal meetings of the Appeals Board always take place in private and all such meetings shall be minuted by the Student Facilitator. The minutes of the meeting must be approved by the Chair and the members before being signed by the Chair.

6.9.2 All meetings must be notified in writing to all members, and documentation must be made available at a minimum of five working days in advance.

6.9.3 The proceedings shall be ordinarily conducted through the Chair. Questions may be submitted, through the Chair by the *Subject of an Allegation*, *Complainant* or by a witness. The Chair may put these to the party at whom they are directed. The Chair is responsible for ensuring that the proceedings are conducted in an appropriate and respectful manner and that no person intervenes in any way that could cause offence to another.

6.9.4 When adjudicating on each case, the Appeals Board will hear:

- the *Complainant*, or a relevant member of staff, as appropriate;
- the *Subject of an Allegation* and, where appropriate;
- any witnesses called by the *Subject of an Allegation* or *Complainant*;
- any person the Appeals Board considers might be of assistance in enabling it to come to a decision.

8.9.5 If the *Subject of an Allegation* is not available to attend a meeting as scheduled,

they may request an adjournment. The Chair of the Appeals Board shall normally grant the adjournment where the request is deemed reasonable.

- 6.9.6 If the *Subject of an Allegation* does not attend a meeting as scheduled or as rescheduled, the proceedings may be conducted in their absence.
- 6.9.7 If a case involves more than one *Subject of an Allegation*, each will be called before the Appeals Board individually.
- 6.9.8 All decisions made by the Appeals Board shall be made by simple majority. In the case of a tied vote, the Chair shall have a casting vote.
- 6.9.10 The proceedings and details of student disciplinary cases are private and confidential and where student data is reported to Academic Council, Executive or the Governing Body, it is done on an anonymised basis. However, in certain circumstances, the Technological University may need to communicate decisions made under this Procedure to staff members where it is deemed necessary or appropriate for the effective administration of the disciplinary process.

## 7.0 Recording of the Procedure

A record of all formal Disciplinary Procedures pursued under this policy shall be kept by the relevant Head of Department in the Students' file for the duration of their registration on the programme. For cases deemed to be of a serious nature, a record may be held for a period of time as designated by the Technological University, on a case by case basis, in accordance with the Technological University's records policy.

- 7.1 The Student Facilitator shall complete the *Official Use Only* sections of the Forms associated with the Procedure of the formal Stages of Investigation and Appeal (Appendices 3, 4, and 5).
- 7.2 Offences which constitute breaches of the Technological University's Academic Regulations may be recorded on the relevant section of the Student Record.
- 7.3 All records held in relation to the implementation of this Procedure shall be compliant Data Protection Acts 1988 to 2018<sup>[13]</sup>; and the General Data Protection Regulation (EU) 2016/679<sup>[14]</sup> and the *TUS Data Governance Policy*<sup>[15]</sup>.

## 8.0 Communication of the Policy

Technological University of the Shannon: Midlands Midwest is committed to promoting a learning environment that values personal integrity and dignity and is committed to the principle that each student is entitled to study in an environment free from Harassment and/or Bullying.

8.1 Communication of the policy to relevant parties will be achieved by:

- a) Bringing the policy to the attention of management, staff, students and relevant external parties that students engage with as part of their studies;
- b) Referencing the policy as part of induction training for new students;
- c) Providing a clear reference to the policy in the student handbook;
- d) Providing a link to the handbook on the Student Portal weblink;
- e) Training relevant staff in dealing with cases of Harassment and/or Bullying;
- f) Referencing the policy as part of induction training for new staff;
- g) Including reference to the policy in Student Union publications and initiatives.

8.2 Students participating in Work Placement should be made aware of the relevant Harassment and/or Bullying policies of their placement organisations as part of placement preparation.

8.3 The Technological University will address training and development needs arising from the implementation of Policy to ensure that Staff know how to act appropriately when dealing with allegations of harassment and/or bullying and in advising Students and in dealing with the different stages of the associated procedures.

## 9.0 Training and Staff Development Needs

TUS will address training and development needs arising from the implementation of this Policy to ensure that Staff know how to act appropriately when advising Students and dealing with the different Stages of the Procedure.

9.1 Relevant Training and Staff Development will be provided to all parties involved in the Procedures as outlined in Section 6.2.

9.2 Specific training will be provided to interested TUS Staff members in Mediation to enable them act as a Mediator in the Informal Stage of this Procedure.

## 10.0 References

1. AIT-LIT Application for Designation as a Technological University
2. [Technological Universities Act 2018](#)
3. TUS Policy and Procedure to Address Sexual Misconduct.
4. TUS student Code of Conduct and Discipline.
5. TUS Student Complaints and Problem Resolution Procedure
6. [Employment Equality Acts 1998-2015](#)
7. [University of Cambridge, racial harassment definition, 2018](#) (MacPherson Report 1999)
8. [Safety, Health and Welfare at Work Act 2005](#)
9. [Report of the Task Force on the Prevention of Workplace Bullying 2001](#)
10. [Report of the Expert Advisory Group on Workplace Bullying 2004](#)
11. [Equal Status Acts 2000-2015](#)
12. [Child First Act](#) 2015
13. [Data Protection Acts](#) 1988 to 2018,
14. [General Data Protection Regulation \(EU\)](#) 2016/679,
15. TUS Data Governance Policy

## 11.0 Appendices

Appendix 1. The Role of the Student Facilitator

Appendix 2. Dealing with Harassment and/or Bullying Process Outline

Appendix 3. Application for Written Complaint of Harassment and/or Bullying

Appendix 4. Application to Appeal to the Harassment and/or Bullying Appeals Board  
Form



## Appendix 1. The Role of the Student Facilitator

### **1.0 Role of the Student Facilitator**

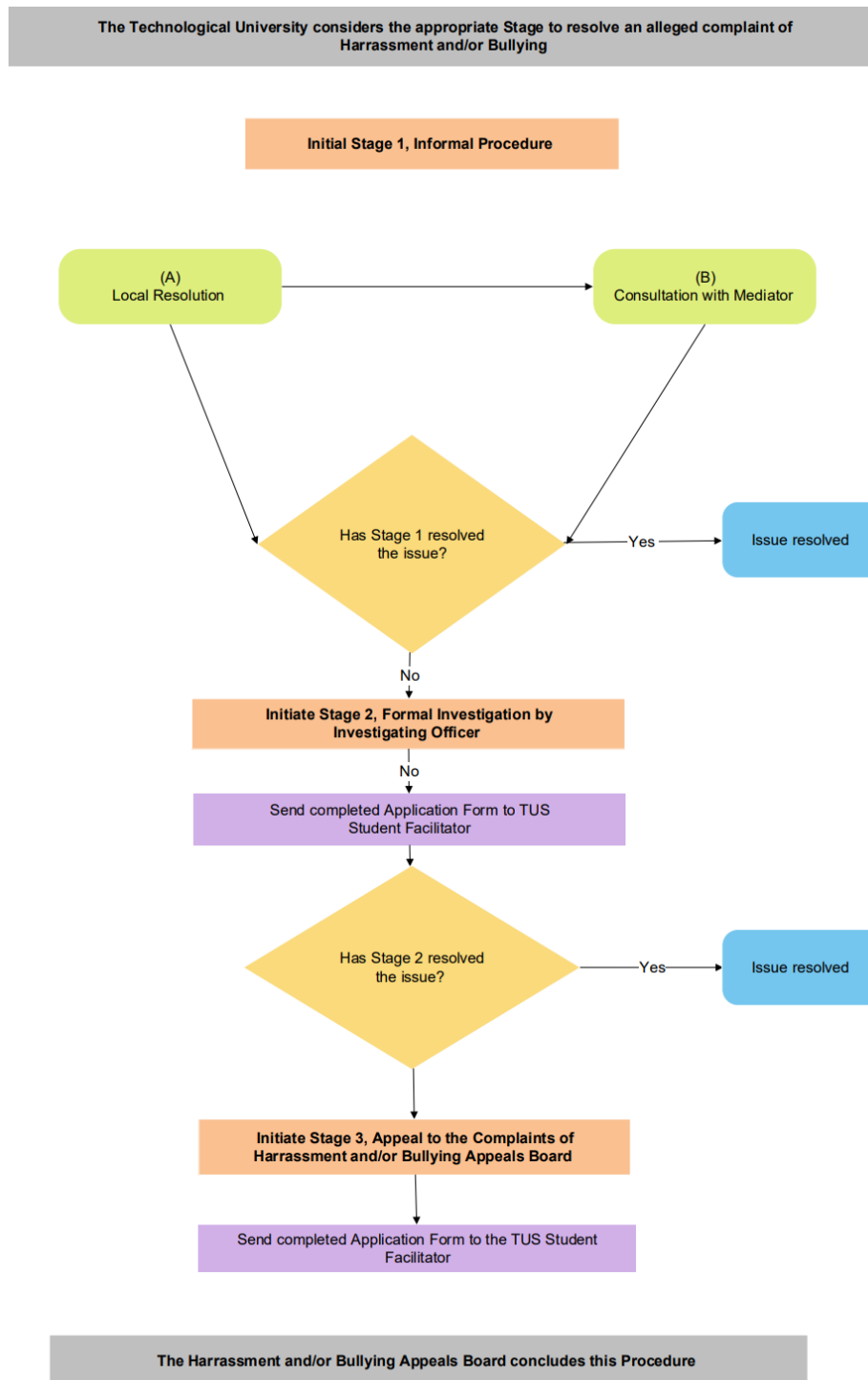
- 1.1 The Student Facilitator is a person nominated by the Technological University to assist with the implementation of this procedure.
- 1.2 The authority of the Student Facilitator lies in the prestige of the office, the independence of the individual from any institutional influence, and the fairness, objectivity, and impartiality of the attempts to resolve conflicts.
- 1.3 The Student Facilitator shall have access to all relevant documentation within the Technological University.
- 1.4 The Student Facilitator does not have authority to take disciplinary action, reverse decisions or over-ride regulations.
- 1.5 The Student Facilitator serves as a facilitator to resolve issues raised informally rather than as an arbitrator and plays a role in the coordination of the formal stages of the procedure.

### **2.0 Confidentiality**

- 2.1 All inquiries to the Student Facilitator will remain confidential and the Student Facilitator will not report the names of those who use the service to anyone without their permission, except in cases of serious threat to life or property or where required by law.
- 2.2 The Student Facilitator will protect the identity of individuals and their concerns and will not disclose having met or talked with a party or parties, without permission of the party or parties, except in cases of serious threat to life or property or where required by law.
- 2.3 The Student Facilitator will take specific action related to an individual's concerns only with the individual's express permission and only to the extent permitted, subject to 2.1 and 2.2 above.
- 2.4 Communication with the Student Facilitator is not relayed to the Technological University. The Student Facilitator's Office is not an office of record. Speaking with the Facilitator is not "notice to the Technological University" of problems or policy violations.



## Appendix 2. Dealing with Harassment and/or Bullying Process Outline





### Appendix 3. Application for Written Complaint of Harassment and/or Bullying

#### 1. Personal details

|                      |       |
|----------------------|-------|
| Name of Complainant: | _____ |
| Student Number:      | _____ |
| Academic Department: | _____ |
| Programme Title:     | _____ |

#### 2. Please provide details of the Complaint of Harassment of Bullying

*Use additional pages as necessary)*

*(please continue on additional pages if necessary*

X

\_\_\_\_\_  
Applicant Signature

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**OFFICIAL USE ONLY(To be Completed by Student Facilitator)**

***Enter in the dates for each of the following:***

|                                                           |                         |
|-----------------------------------------------------------|-------------------------|
| Complaint received by the <i>Student Facilitator</i> on   | Date:<br>____/____/____ |
| Acknowledgement sent on:                                  | Date:<br>____/____/____ |
| Investigating Officer Appointed:                          | Date:<br>____/____/____ |
| Complaint Forwarded to <i>Investigating Officer</i> on:   | Date:<br>____/____/____ |
| Acknowledged by:                                          | Date:<br>____/____/____ |
| Decision made:                                            | Date:<br>____/____/____ |
| Decision communicated to Complainant:                     | Date:<br>____/____/____ |
| Decision communicated to Complainant Subject of Complaint | Date:<br>____/____/____ |

**Specify action(s) and dates on which action is taken**

*(please continue on additional pages if necessary)*

|  |
|--|
|  |
|--|



#### Appendix 4. Application to Appeal to the Harassment and/or Bullying Appeals Board

##### **1. Personal Details**

|                      |       |
|----------------------|-------|
| Name of Complainant: | _____ |
| Student Number:      | _____ |
| Academic Department: | _____ |
| Programme Title:     | _____ |

##### **2. Please provide details of why you would like the findings of the Stage 2 Investigation to be reviewed by the Harassment and/or Bullying Appeals Board.**

|                                                           |  |
|-----------------------------------------------------------|--|
| OFFICIAL USE ONLY(To be Completed by Student Facilitator) |  |
|-----------------------------------------------------------|--|

**Enter in the dates for each of the following**

|                                                     |                         |
|-----------------------------------------------------|-------------------------|
| Application received by the Student Facilitator on: | Date:<br>____/____/____ |
| Acknowledgement sent on:                            | Date:<br>____/____/____ |
| Appeal Board Appointed on:                          | Date:<br>____/____/____ |
| Decision made:                                      | Date:<br>____/____/____ |
| Decision communicated to Complainant                | Date:<br>____/____/____ |
| Decision communicated to Subject of Complaint       | Date:<br>____/____/____ |

**Specify action(s) and dates on which action is taken**



*(please continue on additional pages if necessary)*