

St. Brendan's NS
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St. Brendan's NS Sexual Harassment and Adult Bullying Policy

The Board of management of St. Brendan's NS recognises that all employees have the right to a workplace free from sexual harassment or bullying and is fully committed to ensuring that every employee is able to enjoy that right.

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

Any complaint of sexual harassment shall be fully and properly investigated and, if substantiated, will be regarded as grounds for disciplinary action up to and including dismissal. An attempt will be made to resolve the complaint informally in the first instance but if this is not possible, a formal procedure will be invoked. Confidentiality will be ensured, insofar as is possible, at all times during the investigation for all parties involved.

What is Sexual Harassment?

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

Examples of sexual harassment include:

- Unwanted physical or verbal advances.
- Unwanted touching or physical gestures.
- Comments and remarks of a sexual or discriminatory nature.
- Unwelcome comments about personal appearance.
- Demands of sexual favours.
- Displays of pinups and pornographic material.
- Innuendoes of a sexual nature or based on a person's gender.
- Bullying.

(This list is not exhaustive)

What is Adult Bullying?

The Health & Safety Authority defines bullying as follows:

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

industrial relations difficulties, which should be dealt with through the appropriate industrial relations channels. Only aggressive behaviour which is systematic and on-going should be regarded as bullying”.

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

- intimidation or harassment
- aggression
- verbal abuse
- humiliation
- undermining
- dominance or abuse of power
- different or unfavourable treatment
- exclusion or isolation.
- Key factors of Adult Bullying are that the behaviour is generally:
 - persistent
 - unwanted
 - subtle
 - non-physical.

Making a complaint of sexual harassment/adult bullying

Stage 1: Decide to take action

Any employee who feels he or she has been or is being sexually harassed or bullied should keep a dated record of the instances. S/he should ask the perpetrator to stop. Where this form of action is unsuccessful the employee may report the matter to any of the following- the Principal, Chairperson of the BoM or the INTO Staff Representative. S/he may also decide to seek the services of the Employee Assistance Scheme.

Stage 2: Address the Matter Informally

The alleged victim should seek a meeting with the alleged aggressor. This meeting may be facilitated by a third party, (colleague, BoM Staff Representative or INTO Staff Representative). At this meeting, a request should be made that the behaviour cease.

If the parties fail to resolve their difficulties at this stage, the complaint should proceed to Stage 3.

Stage 3: Formal Procedures

1. The Principal (if s/he is not involved) attempts to intervene. If the Principal is one of the parties in the dispute, then the Chairperson of the BoM should be involved, (in an individual capacity) in order to achieve resolution.
2. The alleged aggressor should be informed that the complaint has proceeded to Stage 3.
3. The Principal (or Chairperson of the Bom, as the case may be) should:
 - obtain background 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.

4. The outcome of discussions should be noted by the parties
5. The matter should be dealt with confidentially.
6. Where resolution has not been possible and particularly where there is a likelihood of the offending behaviour continuing, either party or the Principal (or Chairperson of the BoM as the case may be) should refer the matter to the BoM in accordance with Stage 4 below.

Stage 4: Board of Management

The BoM should consider the issues and investigate the matter:

1. The board may enquire in the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages.
2. The board or the Chairperson of the board may meet teachers individually or collectively and may also request written submission from the parties, having regard also to the principles of due process.
3. The board may request that the Principal furnish a written submission (if s/he is not one of the parties involved).
4. The board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence.
5. Following oral presentations the board may designate the Chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards solution.
6. The board may convene a number of meetings in order to achieve resolution.
7. The board 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 BoM shall reach a view on the matter not later than 20 school days after receipt of the written request/referral.

Where the BoM 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.

When the BoM finds that bullying/harassment has occurred, the board should deal with the matter appropriately and effectively. This may include:

1. The issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated.
2. A demand that all forms of bullying/harassment cease, and acceptable patterns of interaction are established between the parties.
3. An instruction to the offending party that s/he apologize/express regret or give assurance that the bullying/harassment behaviour will cease.

4. A commitment from the offending party to attending counselling or the welfare service
5. More serious disciplinary sanctions as may be commensurate and appropriate, such as
 - oral warning
 - written reprimand
 - written warning
 - final written warning
 - suspension
 - dismissal

The BoM should monitor the situation to ensure that resolutions are being implemented.

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

No record of any complaint will be registered on an employee's file unless the formal procedures outlined in Stages 3 and 4 have been invoked.

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

Reference:

Working Together, Procedures and Policies for Positive Staff Relations (I.N.T.O./C.P.S.M.A./E.T.)

This Policy will be subject to periodic review.

Signed:

Date:

Noll Rooney

25/02/2022

Chairperson on behalf of the Board of Management