

## Gaelscoil Chill Mhantáin Sexual Harassment/ Adult Bullying Policy

The Board of Management of Gaelscoil Chill Mhantáin recognizes that every employee has the right to work in an environment free from harassment/bullying and that the Board of Management will do its utmost to ensure that that is so.

Every employee has the responsibility to ensure that the work place is free of harassment for every other employee and that they are aware of this policy. Every complaint will be investigated fully and properly and disciplinary procedures could be taken or an employee relieved of his/her position of work, if complaints are upheld. An informal solution will be sought first, but if this is not possible formal proceedings will be initiated. Confidentiality, as much as is possible, will be at the core of every investigation.

### What is Sexual Harassment?

Sexual Harassment is any unwanted sexual advances or any other inappropriate behavior of a sexual nature that puts in on an employee's dignity at work. Physical, oral or lustful advances that would be insulting, shameful or uncomfortable for the person on the receiving end of them, are included in this.

### Examples of sexual harassment:

- Unwanted physical or verbal advances.
- Unwanted physical contact or gestures.
- Sexual or discriminatory talk.
- Unwanted sexual advances.
- Demand for sexual closeness.
- Displaying of pornographic material.
- Indirect sexual references based on an employee.
- Bullying.

### Bullying of an Adult in the work place.

What is adult bullying?

The definition given by the Health and Safety Board is as follows: Bullying in the work place is frequent attacks on a person/persons, verbally, physically and psychologically, made by a single person or a group. Bullying is when deliberate inappropriate behaviour, which are cruel, vicious, threatening or shameful, is behind the incident. While occasional inappropriate behaviour is not tolerated, it cannot be called bullying. There can be personal difficulties and conflicts in the work place. These difficulties can be legitimate difficulties of an industrial relations nature and should be dealt with through the appropriate industrial relations channels. Inappropriate behaviour should not be classed as bullying unless it is continuous.

As a summary, there are different types of adult bullying:

- Threats
- Physical attacks
- Verbal attacks
- Shaming
- Trip someone up
- Misuse of power
- Treat someone differently or unfavourably
- To exclude someone

The main traits of adult bullying are that it's:

- continuous
- unwanted
- Subtle
- non-physical

### **Procedures to be taken when making a complaint of sexual harassment or bullying:**

Any who wishes to make a complaint of sexual harassment or bullying against an employee in the school should follow the following guidelines rigidly. It should be made clear to the person making the complaint, while following the guidelines, that acknowledgment of their complaint is made and that the complaint will be investigated in an effectual and tender manner, in conjunction with the proper procedure.

It is important that a solution to the problem is found as soon as possible. It might be fitting for the accused or the victim to seek advice or whatever help needed.

#### **Stage 1: Tackling the problem.**

- 1 The person who feels he/she is the victim of sexual harassment or bullying(Party A) should decide to confront the problem. Due to the adverse reactions sexual harassment or bullying can have on the person such as: loss of confidence, terrible worry, anxiety or fear, that person can consult with the I.N.T.O., The Workers Aid Scheme, or receive any advise they wish first.
- 2 The person making the complaint should keep a record. That record should include the date, time, people present and what was said and done.

#### **Stage 2 solving the problem informally.**

- 1 The person who feels he/she is the victim of sexual harassment or bullying(Party A) should seek a meeting with the person they are accusing(Party B). The following should be implemented for that meeting.
  - A third party(Party C) can act as facilitator for that meeting. The person would normally be another teacher.
  - Party A should state clearly the difficulties they have with what they feel to be inappropriate behaviour, reject any sexual harassment or bullying and ask that it stop.
  - It is important for Party A to remember that there is a chance that the accused does not realize that their behaviour is creating difficulties.
  - Both parties should try to reach a satisfactory outcome to the problem, putting together a plan of work free from sexual harassment and/or bullying.
  - The accused can answer Party A at the meeting or if they are asked to answer at the meeting take the opportunity to reflect on their answer. In that case the meeting will be adjourned until a later date. Party B should give an effective answer.
  - A successful outcome to the problem may include any of the following: a commitment to stop the inappropriate behaviour, making minor changes to the persons behaviour, planning to reduce the occasions where conflict may arise between the parties or monitoring of the problem. On the other hand it may become apparent that a misunderstanding of the behaviour has taken place and the solution to the problem can facilitate a clear meaning or mutual acceptance.
- 2 If no solution or the likelihood of a solution to the problem is found between the parties, then Party A should bring the complaint to stage 3, that is to the formal stage.

#### **Stage 3 The Principal or the Chairman of the Board of Management**

- 1 Stage 3 affords the principal the opportunity to address the problem and endeavour to find a solution to the problem. If the principal happens to be one of the parties involved then the Chairperson steps in on his own to find a solution. If the Chairperson was involved in stage 2 then another member of the Board of Management steps in.
- 2 Party A should inform Party B that the complaint is proceeding to stage 3.
- 3 Party A should put the complaint in writing and ask the principal or the Chairperson of the Board of Management to investigate it.
- 4 The principal (or the chairperson) should:
  - Get the relevant background information of what happened at the previous stages.
  - Contemplate the pattern and the timescale of the behaviour.
  - To listen to the various parties and try to solve the problem.
  - Be fair, unbiased and to deal with the problem in a tender and discreet way, aware of the problem and the principle of the procedure correct.
  - Make a judgment as to the procedures needed to be implemented in order to find a solution.

Both parties should record the conversations.

The case should be handled confidentially.

If there is no resolution found to the problem or if there is the likelihood of the behaviour continuing, the principal or the chairperson can bring the case to the Board of Management as laid out in stage 4

#### Stage 4 The Bord of Management

- 1 It is open to both parties, the principal (or the Chairperson) to bring the matter to the attention of the Board of Management to look into the matter. It should be in writing, dated with a copy of the complaint.
- 2 The Board of Management should consider the problem and investigate it.
  - The Board can look for the history of the problem and all steps taken up until then.
  - The Board of Management or the Chairperson of the Board can meet with the teachers together as a staff or individually and they can ask for an account in writing from the parties involved.
  - The Board of Management can ask the principal to submit a written account of the problem.
  - The Board of Management can give both parties a chance to give an oral account of their side of the problem, in each others presence, at a Board meeting.
  - The Board of Management can ask the chairperson, after both parties presentation to the Board, to meet with each party, together or individually, if more information or clarity is sought.
  - The Board of Management can arrange a few meetings to try to solve the problem.
  - The Board of Management will dispatch it's duties in a fair, unbiased and sensitive manner in order to solve the problem, keeping in mind the nature of the problem.
- 3 After taking everything into account, the Board of Management should come to a decision before twenty days have elapsed since receiving the written complaint.
- 4 If the Board come to the conclusion that sexual harassment or bullying has not taken place then both parties should be informed. The complainant will not be reprimanded if the if the complaint was made in good faith. If the complaint was made maliciously, that is mis-conduct and should be dealt with as such.
  1. The Board should deal with the issue effectively and correctly if it is clear that sexual harassment or bullying has taken place. The following can be included:
    - A clear warning given that sexual harassment or bullying will not be tolerated in the school.
    - Demand that the sexual harassment or bullying stop completely and immediately and that communicative strategies be put in place to bring both parties together.
    - Ask the accused to apologize, indicating their remorse, and stating that they will never behave that way again.
    - Ask that the accused seek counselling

Firmer sanctions can be used as appropriate and commensurate with the offence such as:

- Verbal warning
- Written complaint
- Written warning
- Last written warning
- Suspension from work
- Sacking from work

1. As part of any settlement the Board of Management should monitor the situation closely, ensuring that strategies are developed, to keep them informed, that any settlement is being implemented. The Board should review the situation regularly.

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