

# Coláiste Togháin



## EQUALITY DOCUMENT

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Deriving from its vision and ethos documents and from the documents of Jesuit Education (Ratio Studiorum/Characteristics of Jesuit Education), Coláiste Iognáid is an institution in which;

there is concern for the personal growth of each individual

there is a promotion of faith that does justice (“the creation of men and women who live their lives in the service of others”)

there is a spirit of collaboration, which stresses the mutual co-operation, interaction, and respect of all involved in Jesuit Education

“The structures of the school **guarantee the rights of students, directors, teachers, and auxiliary staff, and call each to his or her individual responsibilities.** All members of the community work together to create and maintain the conditions most favourable for each one to grow in the responsible use of freedom.” (CJE 142.)

From all this it is clear that Coláiste Iognáid is an institution which promotes fair treatment for all in work, study, or co-curricular activities. We strive to have justice in our relationships with each other, which, of necessity, implies that we respect other people, including respect for their difference and their vulnerabilities.

The aim of this (equality) document is actively to promote and encourage those behaviours, which enhance our relationships of respect with others and to uphold equality and anti-discrimination protection afforded under national legislation to all members of the Coláiste Iognáid community.

It is implicit therefore that Coláiste Iognáid strives to provide a healthy stress-free environment where all persons whether students, teachers, administrators of auxiliary staff have the freedom to work and to learn in the decided knowledge that neither bullying intimidation nor harassment are tolerated.

## Definition of Bullying

Bullying is repeated, inappropriate behaviour, direct, or indirect, whether verbal physical or otherwise, conducted by one or more persons against another or others in school or in individual's right to dignity.

### Examples of Bullying

- Aggressive behaviour
- Repeated verbal harassment
- Personal insults and name-calling
- Persistent criticism
- Persistent picking on a person for the butt of jokes, horseplay, uncomplimentary remarks of other behaviour likely to cause offence
- The maligning or ridiculing of a person directly or to others
- Unfair delegation of duties and responsibilities
- Exclusion or isolation

### Student / Student

We need freedom from the following types of unwanted negative behaviour

**Physical aggression;** Pushing, shoving, punching, kicking, poking, tripping, "mess fights", assault.

**Verbal;**(slagging and name calling) Personal, persistent, hurtful, insulting remarks or gestures

**Isolation or exclusion;** Leaving someone out deliberately, or the ignoring of a person by a group

**Damage to property;** Interfering with, vandalizing, breaking, stealing or hiding personal property.

**Financial** (extortion); Demands for money accompanied by threats

**On the grounds of disability;** Jokes about a person's condition, imitation and mocking, removal of aids

**Through Technology;** The phone, internet, email, mobile phone or text messages can be used to harass.

### Student / Teacher

- Consciously or repeatedly undermining the authority of a teacher in the conduct of his/her duties
- Deliberately unco-operative behaviour that undermines the progress of tuition.

### **Teacher / Student**

- Using sarcasm or other insulting or demeaning remarks when addressing pupils/staff
- Humiliating students or colleagues who are either weak or gifted or who are vulnerable in any way
- Engaging in inappropriate threatening or degrading physical contact or exercise.

### **Staff / Staff**

- Deliberately withholding information that a person needs to perform effectively
- Taking credit for another's work and not attributing it to them
- Persistent attacks on personal or professional performance or unwarranted criticism of work performance without reason or legitimate authority
- Unreasonable scrutiny or unreasonable demands-changing work requirements without notice
- Undermining a person's authority, work or achievements
- Deliberately blocking another staff member's development
- Stalking or pestering another

### **Parents / Staff**

**Note;** In the case of a complaint regarding a staff member this should normally in the first instance be raised with the staff member in question and if necessary, with the Headmaster.

- An abusive phone call received by a staff member – (this would be reported to the Headmaster)
- Unscheduled meetings between staff and parents can be terminated and reconvened in the presence of a third party, if either side so request it.

## **Definition of Harassment**

Harassment is a form of discrimination on any of the nine grounds, covered by the Employment Equality Act (1998). These grounds are gender, marital status, family status, sexual orientation, religious belief (or none), age, disability, race, colour, nationality or ethnic or national origin or membership of the Traveller community.

Harassment is defined in the 1998 Equality Act as “ Any act or conduct including spoken words, gestures, or the production, display or circulation of written words. Pictures, or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating”.

Harassment may consist of an isolated, once-off incident or repeated inappropriate behaviour.

### **Examples of some of the most common forms of harassment are;**

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gesture, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities
- Pressure to behave in a manner that the employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person’s ethnic or religious background.

## **Definition of Sexual harassment**

*The Employment Equality Act, 1998*, defines **Sexual harassment** as any act of physical intimacy, and request for sexual favours, or any other act of conduct (including spoken words, gestures or the production, display or circulation or written words, pictures or other material), if the act, request or conduct is unwelcome to the recipient and could reasonably be regarded as sexually, or otherwise on the grounds of gender-offensive, humiliating or intimidating to the recipient.

### **Examples of some of the most common forms of sexual harassment are;**

- *Verbal conduct:* Unwelcome comments and remarks or a sexual or discriminatory nature, unwelcome comments about personal appearance, sexually suggestive jokes or comments, innuendo or jokes about a person's perceived sexual orientation, questions or insults about one's private life.
- Unwelcome pressure for social contact.
- *Visual harassment:* Display of offensive material in the classroom/workplace or by means of technology
- *Physical conduct;* Unwanted physical or verbal advances, unwelcome sexual attention, unnecessary physical contact that is offensive, leering, offensive gestures or whistling. Invasion of personal space. Threats of or actual assault.

## **The negative effects of inappropriate Behaviour**

Research shows that negative behaviour can impact an individual's physical, emotional or behavioural wellbeing, especially if sustained over time. It can also have a negative and demoralising effect on a class or staff group within the school. Severe distress can also be caused to the close family, friends or work colleagues of anyone witnessing the behaviour.

### **Effects of inappropriate behaviour on the students;**

- Reduced concentration and lack of motivation or energy.
- Loss of confidence or self-esteem
- Poor or deteriorating school work or anxiety about going to school, missing
- Visible signs of anxiety and stress-stammering, withdrawing, crying.
- Exacerbation of personal symptoms of stress such as skin or respiratory conditions, headaches, stomachaches, panic attacks.
- Changes in eating pattern and sleeping pattern.
- Increased likelihood of alcohol, drug or substance abuse.
- Aggressive behaviour.
- Changes of mood and behaviour.

### **Effects of inappropriate behaviour on employees and management;**

- Erodes self-worth, self-esteem and self-confidence.
- Increased likelihood of illnesses i.e. headaches, gastrointestinal problems, exhaustion, insomnia, anxiety, depression, burn-out, panic attacks, palpitations or dermatological disorders.
- Changes of mood and behaviour – tearful, irritable, confused, sad or angry.
- Increased likelihood of alcohol, caffeine, nicotine or drugs consumption.
- Feeling of self-doubt and worthlessness.
- Becomes withdrawn and alienated from their colleagues, their friends and even their family.
- Absenteeism
- May take early retirement or resign.
- Nervous breakdown, or reactive depressive illness or even suicide.

### **Effects of inappropriate behaviour on the work place;**

- Increased level of absenteeism
- High personnel turnover
- Low productivity
- Lack of employee motivation, reduced enthusiasm and low morale
- Tense atmosphere
- Cliques of factions
- Less creativity, vision, loyalty and job satisfaction

## Informal Procedure

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address an allegation of bullying as informally as possible by means of an agreed procedure. The objective of this approach is to resolve the difficulty with minimum of conflict and stress for the individuals concerned. There are a few possible informal approaches.

1. **Direct Contact with the person causing offence.** It may be possible and sufficient for the employee or student concerned to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their school work.

### **The following procedure is recommended;**

- Plan when, where and how you will talk to the person (possibly following discussion with a friend or the Contact Person)
  - Make it very clear to the person causing offence that such behaviour towards you or others is unwelcome or offensive or interfering with your school-work or your work performance
  - Explain clearly the adverse effect that their behaviour and actions are having on work or study and ask them to stop
  - Let the person know that the situation must be resolved as it cannot continue
  - Having made your point, finish the conversation and withdraw, so not get drawn into a debate.
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2. **Approach by a Contact Person.** In circumstances where it is too difficult or embarrassing for an individual to directly contact the person causing offence, an alternative approach would be for an initial approach to be made by a Contact Person.
    - In the case of pupils the contact person can either be the Class tutor or the Year Head
    - In the case of the academic staff, two staff members will be selected at the first staff meeting of the school year. Gender balance is essential.
    - In the case of non-academic staff a volunteer will be sought.



### The role of the Contact Person

- The Contact Person will be considered to be an honest broker and will have the role of mediator. He/she will guarantee total confidentiality. Their function will be to establish

- a) What happened?
- b) Who was involved?
- c) When the incidents(s) occurred?
- d) Where the incident(s) occurred?
- e) Were there witnesses to the event?

and to propose possible solutions.

- He /she can discuss concerns, offer reassurance and advice and a possible way forwards.
- He/she may, if appropriate, act as a mediator between the two parties with a view to an informal resolution of the incident(s).
- It is expected that once an incident has been referred to a Contact Person, preliminary action would be taken within five working days.

The Deputy Principal or Principal may be asked for assistance if neither of the above approaches work. This is still within the informal procedure framework.

**A complainant may decide to bypass the informal procedure and use the formal procedure.**

## Formal complaint: Procedure

### Step 1

The Formal Procedure can arise if ;

- a) The complaint has not been successfully resolved informally
  - b) The informal procedure is not possible
  - c) The seriousness of the complaint is required from the outset
- The person making the complaint may approach a designated contact person in order to assist in the adoption of the Formal Procedure.....
  - The complaint should be made **in writing** to the Principal. If, for some reason, the complaint cannot be made to the Principal (e.g. if the Principal is the subject of the complaint), then the complaint should be addressed to the Deputy Principal or the Chairperson of the Board of Management.
  - The contact person may assist in the writing of the formal complaint.
  - The formal complaint should set out clearly;
    - What happened?
    - Who was involved?
    - When the incident occurred?
    - Where the incident occurred?
    - If there were any witnesses to the incident
  - The person making the complaint shall sign the written complaint before submitting it to the appropriate person.

### Step 2 The College responds

- The Headmaster will appoint an Investigating Officer to handle the complaint
- If the Headmaster is party to the complaint the Chairperson of the Board of Management will appoint an Investigation Officer.
- The Investigating Officer will be;  
In the case of a complaint by *pupil against pupil* - the Headmaster or his nominee  
In the case of a complaint by *pupil against staff* - the Headmaster or his nominee

In the case of a complaint by *staff against staff* - the Chairperson of the Board of Management or his nominee

### **Step 3 Alleged perpetrator(s) will be advised**

- The person(s) complained of will be told of the complaint and will receive a copy of the written complaint
- He/she shall be afforded the opportunity to respond in writing

### **Step 4 The Investigation**

- The complaint will be investigated within **10 Working days** after the written complaint has been received.
- The investigating officer will arrange meeting(s) with the parties to the complaint either separately or jointly with a view to resolving the complaint.
- Each person will have the right to be accompanied by another person of his/her choice at all interviews/meetings. In the case of students this will normally be parent(s) or guardian(s).
- In the case of staff, the discretion to afford representation by the relevant union to either party rests with the relevant union.
- The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s).
- **A record will be kept** of these meetings.

### **Step 5 If resolution is achieved**

- If the matter is resolved to the satisfaction of all parties concerned, the Investigating Officer will confirm this in writing to all the parties to the complaint and indicate that the matter is concluded.
- In which case, documents relating to this incident will be held by the Investigating Officer for a period of not more than one year

### **Step 6 Notification of outcome**

- Otherwise, the outcome of the investigation will be given **in writing** to the parties concerned **within 6 working days** from the conclusion of meetings.

- This will indicate whether the complaint was upheld, unfounded or unfounded and malicious.
- In cases where the complaint was made against more than one person **a separate report will be issued in respect of each person accused.**
- Notification will include reference to the rights of appeal available.
- A summary report will be made by the Investigating officer within the **6 working days** to the Chairperson of the Board of Management, for the attention of the Board of Management. This may include a recommendation that disciplinary sanctions be considered.

### **Step 7 Right of Appeal**

- Either party will have the right of appeal. This appeal will be made in writing to the principal who will bring it to the attention of the Chairperson of the Board of Management. The Board of Management will be required to set up a *Complaints Consideration Committee* within 10 working days.

### **The Complaints Consideration Committee will consist of three people;**

- In the case of a staff member initiating an appeal it will consist of;
  - A management nominee
  - A union nominee
  - An independent Chairperson appointed by the Board of Management.
- In the case of a student initiating an appeal it will consist of;
  - A School Management nominee
  - A Parent nominated by the school
  - An independent Chairperson appointed by the Board of Management
- At least one of the nominees shall be of the same sex as the complainant if requested

## **Procedure for the Complaints Consideration Committee**

- The committee will receive a copy of investigators report within 3 working days and will invite both parties to address the committee
- The committee must convene within 14 days of receipt of report
- Both sides can be accompanied by a person of their choice when presenting their case. In the case of a staff member representation can be made by a union nominee
- All meetings are to take place within 30 Working days of receipt of Investigating Officers Report
- When the committee has completed its work a written report of the findings will be given to the Chairman of the Board and to both parties within 5 Working days.
- Parties will be advised that an appeal is possible to the Chairman of the Board of Management
- Where there is no appeal the subject of the complaint will be advised in writing of any disciplinary sanctions to be imposed. The Chairman of the Board can review the sanctions recommended.

### **Appeal to the Chairperson of the Board of Management**

- The Board of Management will afford both parties an opportunity to present their case.
- Either party is entitled to be accompanied or represented if they so wish
- The Chairperson will consider the case presented by both parties, with the report and recommendations of the Complaints Consideration Committee, and will make a decision.
- The implementation of the decision will complete the Formal Process. Its findings will be communicated to all parties concerned.

Any disciplinary sanctions that may be proposed will be in accordance with existing Codes of Behaviour and discipline, existing Trade Union/school Management association agreements, staff regulations and relevant legislation.

At all stages of the complaints Procedure, a clear record should be kept of the investigation. This includes, all communications, the steps taken and the decisions arrived at. If a complaint is unfounded, a record to that effect will conclude the file of the complainant and all other files. However the Personnel file of the subject of the complaint should have all records of the unfounded complaint removed. A record of the removal must be noted on the investigation file.