



MTU

Ollscoil Teicneolaíochta na Mumhan
Munster Technological University

Dignity and Respect Procedure

February 2021

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www.mtu.ie/policies

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1 **Introduction**

- 1.1 This procedure describes how complaints related to bullying, harassment, victimisation, and/or sexual harassment are to be dealt with by MTU.
- 1.2 This procedure details the sources of help available to staff and students. MTU promotes and encourages the resolution of dignity and respect complaints through informal means in so far as possible.
- 1.3 This procedure should be read in conjunction with the Dignity and Respect Policy.

2 **Procedures for Resolving Dignity and Respect Matters**

- 2.1 Whilst it is the decision of the complainant in the first instance which approach to adopt in any particular situation, staff and students are encouraged to explore an informal and/or mediation approach before initiating a formal investigation. However, if an issue is sufficiently serious then the MTU reserves the right to initiate a formal investigation into the matter.
- 2.2 Any individual with dignity and respect concerns should read and consider the options available under the Dignity and Respect Policy and Procedure and seek advice and guidance from a Contact Person, line manager or a Union representative. Help and support is also available through Student Counselling, the Student Health Centre, and the Employee Assistance Service. (See Appendix A 'Sources of Help'.)
- 2.3 Complaints under dignity and respect may be dealt with using the following steps as appropriate:
 - 1) The informal resolution process which may include external mediation
 - 2) Mediation
 - 3) Formal resolution process

3 **Informal Resolution Process**

- 3.1 The objective of this approach is to resolve the complaint with the minimum of conflict and stress for the individuals involved. At the outset, complainants are encouraged to inform the person directly of the impact of their behaviour and that their behaviour is unwelcome and to ask them to stop.
- 3.2 The complainant may consult with their Head of Department/ Function/Union Representative or Contact Person who will explain the operation of the policy and help the complainant choose the best process for achieving a resolution.

- 3.3 The Head of Department/Line Manager/Manager/Union Representative and/or a Contact Person may advise the complainant on how best to communicate the message to the person. This often resolves the situation as the person may be unaware that their behaviour is causing distress.
- 3.4 Alternatively, complainants may ask their Head of Department/Line Manager/Manager to alert the person against whom the complaint is being made to their concerns, if the complainant feels unable to have the conversation directly with the person whom the complaint is being made at that stage.
- 3.5 The Head of Department/Line Manager/Manager may, with the agreement of the complainant, facilitate a meeting to help the parties talk about the issues between them and reach an agreement which is acceptable to both.
- 3.6 This stage of the informal process will normally be concluded within 15 working days. If an informal resolution cannot be realised at this point, the process of mediation is recommended. This is described in Section 4.
- 3.7 The Head of Department/Line Manager/ may implement a temporary measure, without prejudice to any party, until the complaint is resolved.

4 **Mediation**

- 4.1 MTU advocates the use of mediation as a support to resolving complaints.
- 4.2 Mediation is available at any point throughout the complaints process.
- 4.3 The process is voluntary and both parties must agree to take part in mediation. If either party refuses mediation they must notify in writing the HRM/ AASAM where appropriate on the relevant campus of their decision within 5 working days of mediation being offered/recommended
- 4.4 If mediation is acceptable to both parties MTU will appoint an agreed independent Mediator, normally within 20 working days of the start of the complaint, to facilitate the process and the HRM/AASAM on the relevant campus will issue a formal invitation to the parties.
- 4.5 Mediation is an informal and independent process through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides.

- 4.6 It is expected that both parties will reasonably consider mediation as an option to resolve the complaint.
- 4.7 Mediation involves the Mediator bringing both parties together to discuss their areas of concern. The Mediator facilitates this process without taking sides or making a judgement. The Mediator assists each party to explain the problem to the other party as they see it, with a view to reaching a common understanding and agreement on acceptable future behaviour.
- 4.8 It will be the responsibility of the HRM to seek the services of appropriately qualified Mediators for cases between staff/staff and students. Ideally Mediators will have experience in the education sector and for dealing with staff and student complaints. It will be the responsibility of the AASAM to seek the services of appropriately qualified Mediators for cases between students.
- 4.9 Mediation usually takes no more than two-three sessions, although certain complaints may take longer to mediate.
- 4.10 The complainant reserves the right to proceed to the formal stage without recourse to the respondent.
- 4.11 If mediation is unsuccessful, the Mediator will notify the HRM/AASAM on the relevant campus. The complainant may then seek to have the matter resolved through the formal stage.
- 4.11 Any information exchanged during the mediation process, whether the process is successful or not remains strictly confidential and cannot be disclosed as part of a formal investigation.
- 4.12 Further information on the process of mediation is described in Appendix B.

5 **Formal Complaints Process**

- 5.1 For serious complaints or where the problem is not resolved through any of the informal methods, the formal complaints process may be used.
- 5.2 It may also be the choice of the complainant to begin the complaint process at this point.
- 5.3 A complainant who has used the informal process may access the formal process normally within 20 working days of the informal process being concluded.
- 5.4 A formal complaint involves completing the 'Dignity and Respect Formal Complaint Form' (See Appendix C) and forwarding the completed form to one of the following:
- For Staff: Head of Function or the next most immediate senior manager if the complaint is against the Head of Function/Head of School/Faculty.

- For Students: Head of Department or the next most immediate senior manager if the complaint is against the Head of School.
- 5.5 Where the complaint is against a line manager the complaint form should be submitted to the next most senior manager of that area/department.
- 5.6 Where a complaint is against more than one individual, a **separate** Formal Complaint Form must be submitted to protect the rights of each respondent to confidentiality. The Formal Complaint Form will be shared with the respondent when received.
- 5.7 The completed form will be copied to the HRM/AASAM as appropriate within 5 working days.
- 5.8 The complaint form will be forwarded to the person against whom the complaint is made (the respondent) by the manager who has received the complaint within 5 working days.
- 5.9 The respondent will be invited to submit a written response to the manager within 10 working days of receipt of the complaint. A copy of this response will be sent by the manager to the complainant within 5 working days. This written response will be included as part of the documentation pack if an investigation is to arise.
- 5.10 The manager who has received the formal complaint will revisit an attempt to resolve the complaint on an informal basis if possible, including exploring the use of mediation.
- 5.11 **Complaints Review Panel**
If the matter is not resolved, a Complaints Review Panel will be formed within 10 working days to review the complaint and make a decision on whether the complaint warrants investigation. To proceed to investigation is a serious decision and consequently will be given due consideration.
The Complaints Review Panel will be appointed by the Vice President of Corporate Affairs and/or the Vice President of Academic Affairs.
- 5.12 The Complaints Review Panel is an internal process for deciding if the alleged behaviour, which is the subject of the complaint and has not been resolved through mediation or informal means, falls within the definition of bullying, harassment, victimisation and/or sexual harassment as outlined in section 6 of the Dignity and Respect Policy. The rationale for conducting a Complaints Review Panel is that some complaints of bullying, harassment, victimisation, and sexual harassment may not meet the requirements of the definitions.
- 5.13 The composition of the Complaints Review Panel will be dependent on the parties to the complaint. The panel cannot include anyone who is involved in the complaint. A member should withdraw themselves if there is a conflict of interest or bias.

- 5.14 The panel should be composed of a minimum of three members. Table 1 gives suggestions on the composition of the panel.

Table 1 Suggested Composition of the Complaints Review Panel

	Parties to the complaint	Indicative Composition of the Complaints Review Panel
1	Staff/Staff	<ol style="list-style-type: none"> 1. Two Heads of Department/Function from another area 2. Human Resource Manager(s)
2	Student/Student	<ol style="list-style-type: none"> 1. Head of Department /Function from another area and/or a nominee 2. Academic Administration and Student Affairs Manager 3. Student Union President/Student Vice President or nominee
3	Staff/Student or vice versa	<ol style="list-style-type: none"> 1. Head of Department/Function from another area and/or a nominee 2. Academic Administration and Student Affairs Manager 3. Human Resource Manager

- 5.15 The Complaints Review Panel will analyse the Formal Complaint Form and decide whether or not it is appropriate to progress the complaint under this policy. The review will be based exclusively on the written details of the complaint as set out by the complainant. The key criteria for making the decision is whether, if the allegation(s) were to be substantiated, they would meet the relevant definition as described in the policy. If considered necessary, a legal opinion may be sought as part of the decision-making process.
- 5.16 Before making a decision, the Complaints Review Panel may meet with the complainant to discuss the nature of the complaint. Such a meeting does not constitute part of the investigation process or prejudice any future outcome. The complainant will be notified in writing of the outcome and justification of the outcome by the Complaints Review Panel.
- 5.17 If the Complaints Review Panel is of the view that there may be insufficient grounds for a formal investigation, legal opinion will be sought before any decision is made. If legal opinion supports the view, the chair of the Complaints Review Panel on the relevant campus will meet with the complainant to outline the reasons why. The work of the Complaints Review Panel is normally expected to conclude within 15 working days.
- 5.18 The decision of the Complaints Review Panel will be communicated in writing to the complainant, respondent and to the HRM/AASAM where appropriate, within 5 working days and copied to the Head of Department and Head of School where the complaint originated.
- 5.19 Should the panel recommend an investigation, the procedures outlined in Section 7 will be

followed.

6 Appeal against the decision of the Complaints Review Panel

6.1 The complainant and or the respondent can appeal the decision of the Complaints Review Panel within 10 working days, stating the grounds for the appeal using the Appeal Form in Appendix D to the HRM/AASSAM as appropriate.

6.2 An appeal can only be made on the following grounds:

- New information of which the Complaints Review Panel was not aware of or did not consider during the review process.
- The procedures of MTU in relation to the Complaints Review Panel have not been properly implemented.

6.3 An external Appeals Officer, agreed with the parties, will be appointed to review the decision of the Complaints Review Panel normally, within 10 working days of the receipt of the appeal form.

6.4 The Appeals Officer will be furnished with the complaint form and appeals form(s). The work of the Appeals Officer is normally expected to conclude within 15 working days.

6.5 The decision of the Appeals Officer will be final.

6.6 The Appeals Officer will communicate their decision in writing to the complainant, respondent, the Chair of the Complaints Review Panel and to the HRM/AASSAM where appropriate, within 5 working days. This will also be copied to the Head of Department and Head of School where the complaint originated.

7 Investigation Stage

7.1 Investigation Process

7.1.1 If the decision to begin a formal investigation is taken, the HRM/ AASSAM as appropriate to the case, on the relevant campus will initiate the formal investigation process. Consideration will be given as to whether the start of the formal Investigation can impact on any other process which may be commencing, or have commenced, involving any parties to the complaint, e.g. Disciplinary Procedures.

7.1.2 Where a formal investigation is proceeding, the HRM/AASSAM on the relevant campus will:

- Advise the complainant in writing that a formal investigation will be set up as soon as possible and that their line manager and senior manager will be advised accordingly.
- Advise the respondent in writing that a complaint has been made, that a formal investigation will be set up as soon as possible and that their line manager and senior manager will be advised accordingly.

- Provide a copy of the Formal Complaint Form to the respondent and direct them to the Dignity and Respect Policy and Procedures.
 - Appoint the external Investigator(s).
 - Provide a copy of the Formal Complaint Form to the Investigator and direct them to the Dignity and Respect Policy and Procedures.
 - Provide contact details for the complainant and respondent to the Investigator and witnesses as required.
- 7.1.3 If the respondent has not submitted a formal written response under section 5.9, they will be invited to do so now at this stage. This response should be submitted to the relevant Head of School/Function normally within 10 working days of receipt of the complaint form. A copy of the response, if provided, will be sent to the complainant by the Head of School/Function within 5 working days.
- 7.1.4 Investigations of formal complaints will be held as quickly as possible. During each stage of the process, the complainant and the respondent will be made aware of deadlines. Please see Appendix I for more information on timelines. In addition, regular updates will be given on the progress of the case. Every effort will be made to ensure that mutually agreeable dates for the investigation interviews (if required) will be set up as quickly as possible and that documentation will be completed in a timely fashion by all parties. Timelines will be set out by the Investigator(s).
- 7.1.5 Generally, the investigation will be conducted through the use of externally appointed Investigator(s). Where appropriate, there may be more than one Investigator appointed, all of whom should be involved in all stages of the investigation, including the interviewing of witnesses and parties to the complaint. Where possible the appointment of the Investigator(s) will be by agreement.
A Human Resources staff member and an Academic Administration and Student Affairs staff member may be assigned to provide administrative support to the Investigator(s).
- 7.1.6 The Terms of Reference (ToR) for the investigation will be drawn up by the Investigator and furnished to all parties to the complaint. All investigations must follow due process and principles of natural justice. The investigation will look objectively at all evidence pertinent to the complaint. The Investigator(s) should meet with the complainant, the respondent, and any witnesses that the Investigator(s) deems appropriate on an individual basis with a view to establishing the facts.
- 7.1.7 In the circumstance that the same complaint is made by a number of different individuals (group complaint), this complaint may be processed as a single complaint, with the individuals involved in making the complaint having the same rights and responsibilities as an individual complainant. The investigator(s) will determine who/how many of the individuals involved will be interviewed. Any/all of those interviewed will be interviewed on an individual basis.

- 7.1.8 Both complainant and respondent may be accompanied at any meeting with the Investigator(s) by a recognised Trade Union/Staff /Student representative or an MTU colleague.
- 7.1.9 All material relevant to the complaint will be made available to the respondent during the course of the investigation who will be provided with the opportunity to respond to the issues raised therein. This may include interview notes (witness(es)/complainant/respondent/statements.)
- 7.1.10 Further investigation meetings may be scheduled if required. If appropriate, the Investigator may re-interview the complainant and/or a respondent or witness(es) if new, relevant information becomes available.
- 7.1.11 Every effort will be made to complete the investigation as quickly as possible, and within an agreed timeframe if feasible. A formal investigation should, where practicable, conclude within six months from when the Investigator has commenced the investigation, but depending on the circumstances, this may not always be possible. Lack of co-operation with/or obstruction of a formal investigation may be treated as a disciplinary matter.
- 7.1.12 Where a formal investigation takes longer than six months due to the complexity of the issue and/or operational constraints, the Investigator must document the reasons why and provide these to the HRM/AASAM.
- 7.1.13 If the complainant or respondent involved in the formal investigation is absent from work/study due to sick leave, they may be referred to University's Health Services in order to ascertain if they are fit to participate in the process. In circumstances where one of the parties is deemed temporarily unfit to participate, the process may be paused. Prolonged medical unfitness of a complainant or respondent to take part in the process may result in an outcome being decided on the basis of whatever information is available to the Investigator.
- 7.1.14 The complainant and respondent will be notified in writing of the outcome of the formal investigation and will be provided with a copy of the Investigation Report. Line managers/senior managers will be informed of the outcome by the HRM on the relevant campus in so far as is necessary but will not receive a copy of the Investigation Report.
- 7.1.15 Staff and students are obliged to co-operate with investigations held under this procedure and uphold the confidentiality of the process.
- 7.1.16 Any persons (i.e. complainant, respondent, witness(s), other staff/students involved) found to be in breach of confidentiality relating to a formal investigation will be dealt with through the disciplinary procedures

- 7.1.17 Complainants and respondents are not allowed to make contact, directly or indirectly, with each other or any potential witness on any matter related to the complaint, and any breach may result in disciplinary action.
- 7.1.18 The respondent and complainant may avail of the Employment Assistance Service (staff) and counselling (students) at any point during the investigation.
- 7.1.19 While the circumstances may be difficult, both the complainant and the respondent will be expected to continue with the normal duties and maintain a professional working relationship/ continue on with their study, during the course of a formal investigation. In exceptional circumstances, MTU may agree to a request from a complainant, or respondent, that they transfer to another area of work/class group during the course of a formal investigation. If approved, such a transfer must be acknowledged to be without prejudice to the rights of both parties, natural justice, and the presumption of innocence. Where a transfer request is not approved, the complainant and the respondent may be expected to continue engaging with each other. Arrangements may be put in place locally to manage such situations. Such arrangements are made on a without prejudice basis.
- 7.1.20 Managers will have due regard at all times for their obligations to safeguard the health, safety, and welfare of staff/students during the investigation process.

7.2 **Investigation Report**

- 7.2.1 An Investigation Report is a document that details the findings of an investigation into the formal complaint. The Investigation Report aims to provide decision-makers with the facts needed to determine a course of action.
- 7.2.2 On completion of the formal investigation, a draft of the Investigation Report will be sent in advance to the complainant and respondent, who will be given an opportunity to comment on it prior to it being finalised. It will include agreed notes of interviews and a determination on whether or not, the complaint is upheld. Comments should be provided within 5 working days.
- 7.2.3 The full Investigation Report, including all agreed notes and relevant documentation, determining whether an allegation of bullying, harassment, victimisation and/or sexual harassment has been substantiated will be forwarded to the Manager identified in the ToR and the complainant and respondent normally within 15 days of receipt of the comments.
- 7.2.4 Line managers/senior managers will be informed of the outcome by the HRM on the relevant campus in so far as is necessary but will not receive a copy of the Investigation Report.

7.3 **Counter Allegations**

Generally, if a counter allegation arises that is directly related to the complaint being processed, it will be dealt with as part of this Dignity and Respect Procedure at the appropriate stage. If part of a formal investigation, the counter allegation will be formalised

in writing, setting out the details of the complaint, including the dates and times of incidences and the names of any witnesses to each incident. Investigation of any such counter complaint will be conducted in the same manner as that of the original complaint.

Generally, if a counter allegation arises that is not directly related to the complaint being processed, it will be dealt with as a separate complaint and processed as such.

7.4 **Outcomes and Recommendations**

If the complaint is upheld, Management (HRM/AASAM), as appropriate will forward the investigation report to the President or nominee (Executive level) for decision on the appropriate action.

- If the complaint is found to be false or malicious, appropriate action may be taken up to and including disciplinary action.
- Where a complaint is not upheld, no action will be made against the complainant provided that the complaint was made in good faith.
- Counselling, monitoring, appropriate training, and/or other supports to the parties as appropriate may be recommended.

Management will monitor the workplace to ensure that there is no recurrence.

7.5 **Appeals Process (Conclusion of Investigation)**

7.5.1 Both the complainant and the respondent have the right to appeal any decision to the President.

7.5.2 Appeals against the conclusion of the Investigation Report and or the decision of the President can only be made on the following grounds:

- New information of which the Investigation team was not aware of or did not consider during the process of investigation
- The procedures of the MTU in relation to the Dignity and Respect Investigation process have not been properly implemented.

7.5.3 Appeals should be made to the President within 10 working days of receiving notice of the conclusion of the Investigation Report and/or the decision of the President where relevant, and submitted on the Appeal Form (Appendix D) to the HRM/AASAM as appropriate.

7.5.4 An externally appointed Appeals Officer, agreed with the parties, will be appointed by the HRM/AASAM where appropriate, to review the conclusions of the Investigation Report and the consequent decisions of the President. The decision of the Appeals Officer will be final. This completes the appeals process mechanism for the Dignity and Respect procedure. Please see Appendix J for relevant timelines.

7.5.5 The appeal will be conducted by reviewing the Investigation Report and the Appeal Form(s). The Appeals Officer can, at their sole discretion, decide to meet with the parties. The notes

of those meeting(s) will be shared with the other party. It is not the role of the Appeals Officer to re-investigate complaints made.

7.5.6 The Appeal Report will be prepared and sent to the Senior Manager as identified in the ToR who will review the outcome with the HRM on the relevant campus before it is shared with the parties.

7.5.7 If either of the parties are dissatisfied with the outcome of the MTU's internal appeals process, either party has the right to appeal externally.

7.6 **Post Investigation**

7.6.1 Once the complaint has been dealt with, arrangements will be put in place by the HRM/AASAM on the relevant campus to minimise the risk of re-occurrence of the conduct that led to the allegation(s) and the Investigation. The line managers of the parties to the dispute are required to notify the HRM/AASAM on the relevant campus immediately if any subsequent incident occurs that requires an intervention. In certain situations, it may be appropriate to reach agreement with the parties on modified ways of working such that both can carry out their work responsibilities with minimal personal interaction.

7.6.2 Where a complaint has been upheld, regular checks will be made by the line manager, or other manager if necessary, of the complainant to ensure that, bullying, harassment, victimisation, and/or sexual harassment has stopped.

8 **Reference Documents**

MTU Dignity and Respect Policy [cite full reference]

Other references are found in the Dignity and Respect Policy.

9 Appendix A Sources of Help

9.1 Dignity and Respect Contact Persons

The current list of contact persons for Dignity and Respect is available on the MTU website. The list is composed of staff and student members from the various campuses of MTU.

- Contact Persons are a key confidential support if a staff member or student thinks they may be experiencing bullying, harassment, victimisation, or sexual harassment in the workplace or if they have a complaint of same made against them.
- Any of the Contact Person's listed on the MTU website can be selected regardless of your work/study location to arrange a meeting.
- At the meeting, the Contact Person will support you in getting a better understanding of the Dignity and Respect Policy and Procedure and the related policy options from which the matter may be addressed.
- The Contact Person will listen in confidence and without judgement to your experience.
- Whilst Contact Persons cannot act on the person's behalf or tell them what to do, they are skilled at giving policy information, listening carefully and asking helpful questions that support the person in deciding how best to resolve the issue.
- If you are experiencing difficulty contacting a Contact Person from the list, you can email the Human Resources Office/Student Services Office and every effort will be made to confidentially link you up with one of the Contact Persons as soon as possible.

Further information on the role of the Contact Person can be found in in the MTU Dignity and Respect Policy, Section 14.

9.2 Other Sources of Help

For Staff:

- Heads of Functions/Schools
- Line Managers
- Human Resources
- Union Representatives
- Employee Assistance Service (EAS)

For Students:

- Students' Union
- Student Counselling Service/one to one counselling
- MTU Chaplain
- MTU Health Service

MTU supports the use of mediation as a support to resolving complaints.

What is Mediation?

Mediation is a voluntary process of conflict prevention and resolution that allows the parties in dispute the opportunity to address and resolve their issues in a confidential and private environment where they can air their issues and concerns and also hear the issues and concerns of the other party. It is a collaborative process that can improve communication, address outstanding issues, defuse emotions and highlight areas of agreement.

Mediation works towards long-term solutions for the disputing parties. If there is an ongoing relationship between the parties, mediation can help the parties to plan how they will engage into the future.

Mediation may be used as a preventative intervention to address issues or concerns that, left unresolved, may escalate into a more serious dispute. Mediation may also be used as a remedial intervention.

Mediation is effective:

- In conflict prevention and management
- In single-issue and multi-issue disputes
- In two-person or multi-party conflicts
- For developing innovative and sustainable solutions when parties are willing but stuck
- As a preventive intervention early in a conflict
- As an effort to avoid lengthy and costly formal processes and investigations and litigation

Type of situations suitable for mediation include:

- Interpersonal disputes
- Allegations of bullying and harassment
- Difficulties arising from organisational change
- Intercultural issues
- Conflict arising from equality and diversity

What happens during mediation?

The format of the mediation process may vary depending on the Mediator and the type of dispute.

The Mediator assigned the case will contact the individual parties involved to get a sense of the issues in dispute and explain the process in more detail before arranging joint meeting(s). The Mediator is independent and neutral, and their role is non-judgemental and non-directive. They are neither judge nor arbitrator and do not adjudicate or give decisions on the rights or wrongs of the actions of the parties.

The parties and the Mediator agree to the terms of the mediation at the outset of the mediation. Sometimes there are pre-mediation meetings between the Mediator and each of the principal parties.

Depending on the model of mediation, the parties may spend most of the joint session in the same room or may only spend a short period of time in the same room with the Mediator acting as the go-between.

At the joint meeting(s) the parties get an opportunity to explain their position and express how the conflict has affected them. The Mediator will allow and encourage the parties involved to ask questions and discuss the issues with each other. The Mediator facilitates the parties in identifying and exploring their own innovative solutions. The Mediator helps the parties to identify their issues and needs and to explore how those needs can be addressed.

Whatever the model of mediation, any agreement from the mediation must be mutually acceptable to all parties and is generally binding unless otherwise agreed by the parties.

The content of the mediation is confidential to the parties and the Mediator and can only be shared with a third party with the express permission of all parties, or where required by law.

How is Mediation accessed?

Mediation can be accessed by contacting the local Human Resource Manager and or Academic Affairs and Student Administration Manager or one's line manager and/or Head of Department. MTU will select trained Mediators, who will have the expertise needed to give staff and students the best possible opportunity to resolve their difficulties.

Feedback to the MTU - There is no feedback provided to MTU from the mediation, other than reporting that a mediated solution has/has not been found.

What if there is no resolution?

If there is no resolution found, it is up to the parties to decide on the next steps the complainant may wish to progress the matter through the formal procedures.

Cost - There is no cost to the participants.

This information has been compiled from the Mediators Institute of Ireland (<https://www.themii.ie/>).

4. Personal Statement

Details of the Complaint: *The complaint should be specific and well documented and include dates, locations, and witnesses as appropriate. Additional sheet(s) may be added.*

5. Please outline any previous efforts if any, to resolve the matter.

6. How would you like the complaint resolved?

Signed: _____ **Date:** _____

Please submit this completed form to your Line Manager/ Head of Department/Function on your campus.

For Administration use only

1. Manager who receives the formal complaint

Date received: _____

Signed: _____

Function: _____

2. Date cc'd to HRM/AASAM as appropriate: _____
(within 5 working days of receipt of the form)

3. Date complaint form sent to Respondent: _____
(within 5 working days of receipt of the form)
(with invitation to reply with formal response within 10 working days)

If formal response received from respondent:

4. Date respondent's formal response sent to complainant: _____
(to be sent to complainant within 5 working days of receipt of formal written response)

5. Date cc'd to HRM/AASAM where appropriate: _____
(within 5 working days of receipt of formal written response)

12 **Appendix D Appeal Form**

This form is to be completed in line with the MTU Dignity & Respect policy and procedures.

1. Appellant Details

Name: _____ Position: _____

Staff/Student number: _____ School/Dept.: _____

If student, state Programme: _____ Year: _____

Role in the complaint (*please tick*):

Complainant Respondent

2. Nature of the Appeal

Please tick:

- Appeal against decision of the Complaints Review Panel

- Appeal against the Investigation Procedure and its findings

- Appeal against the decision of the President (*applies only at post investigation phase*)

(Appeals must be made within 10 working days of the conclusion of each of the above where applicable.)

3. Specific Grounds for Appeal

Please complete the following table with specific details of the grounds for appeal where appropriate.

Specific procedural grounds for Appeal	
New information which has arisen	
Other reason(s) for why the decision was unfair	

Attach another page if required.

Signed: _____

Date: _____

(Appellant)

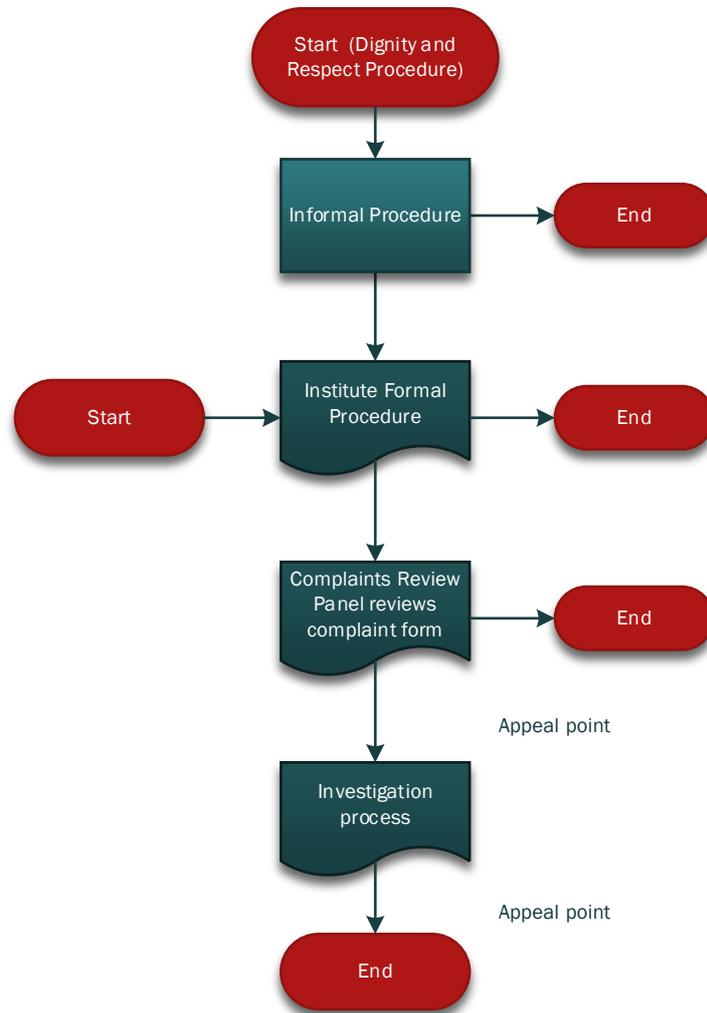
For Administration use only

Date received: _____

Signed: _____

(HRM/AASAM as appropriate)

Please submit the completed form to the Human Resource Manager (HRM) /Academic Administration and Student Affairs Manager (AASAM) as appropriate on your campus.



14 Appendix F Informal Procedure Flow Chart

No.	Flow Chart	Parties	Comment	Normal Timeline (working days)
1	Start (Dignity and Respect Procedure) ↓ Informal Procedure	Complainant	Complainant makes contact with Contact person/Union rep/HOD/HOF etc	Within 15 days
2	Consult HOD/manager/Union Rep/Contact person ↓ Encourage complainant to talk to person(s)	HOD/HOF/Union Rep/Contact Person/complainant/respondent	Advise on best way to communicate with respondent/facilitate meeting	
	Talk to other party? (Decision)			
	Issue Resolved? (Decision)			
3	Ask HOD/Manager/Contact person to intervene	HOD/HOF	May implement temporary measure without prejudice until complaint is resolved.	
	Issue resolved? (Decision)			
4	Discuss Mediation as an option	HOD/HOF/Union Rep/Contact Person/complainant/respondent as appropriate	Consult policy document.	
	Is Mediation acceptable to both parties? (Decision)			
5	Formal Procedure		Mediation must be acceptable to both parties.	5 days notice of refusal to enter mediation
6	Appoint agreed Mediator	AASAM/HRM	Select/appoint agreed mediators (staff/student) Issue formal invitation to the parties to attend mediation if accepted on both sides.	Within 20 days
7	Conduct Mediation	Mediator/complainant/respondent	Two /three sessions normally	Within 15 days
	Issue resolved? (Decision)			
8	Formal Procedure		Formal Procedure can be started at any point. If informal process pursued:	Complaint must be lodged within 20 days of conclusion of Informal process (including mediation if availed of).

Informal mediation will be offered again during the formal stage if applicable.

(Note: This flowchart and the ones that follow provide summaries and timelines and should be read in conjunction with the Dignity and Respect Policy and Procedures.)

15 Appendix G Formal Complaints Process

No.	Flow Chart	Function/Parties	Comment	Normal Timeline (working days)
1		Complainant	Submits form to relevant manager as per section 5.	Complaint can start at this point. If complainant has pursued the informal route, the complaint must be lodged within 20 days of conclusion of the informal route (including any mediation).
2				Within 5 working days
3		Respondent, Manager in whose department the complaint originated	Invitation to send formal written response	Within 10 working days
4				Within 5 working days
5		HOD/HOF of area where complaint originated	Attempts resolution, mediation can be offered	
6			Refer to CRP Review Panel Flowchart	

The Formal Procedure may continue to the Complaints Review Panel Process (Appendix H)

16 **Appendix H Complaints Review Panel Flow Chart**

No.	Flow Chart	Function/Parties	Comment	Normal Timeline (working days)
			Invoked when resolution has not been successful (follows formal process flowchart).	
1		Appointed by VP Corporate Affairs, VP Academic Affairs	Decides if the alleged behaviour falls within definitions/complaint proceeds to next stage. Use Table 1 for suggested composition of Panel.	Form within 10 working days
2			Reviews complaint form and produces report	Within 15 working days
3			Copy decision to complainant, respondent, HRM/AASAM where appropriate, HOS/HOD where complaint originated	Within 5 working days of conclusion of review
4		Complainant and or respondent	Complete Form D and copy to HRM/AASAM where appropriate	Appeal to be lodged within 10 working days of receipt of decision
5		HRM/AASAM as appropriate to appoint Appeals Officer	Appointment must be agreed with parties.	Within 10 working days
6		Appeals Officer	Reviews Complaint documentation	Within 15 working days
7		Appeals Officer	Communicate decision in writing to complainant, respondent, HRM/AASAM where appropriate, HOS/HOD where complaint originated.	Within 5 working days

17 **Appendix I Investigation Swim-lane Flow chart**

No.	Flow Chart	Function/Parties	Comment	Normal Timeline (working days)
	Start			
1	Inform All parties that Formal Investigation is commencing	HRM/AASAM where relevant	Advise all parties in the complaint of the decision to carry out a formal investigation. This includes complainant/respondent/Head of Function where complaint originated.	within 5 days
2	Develop Investigation plan	HRM/AASAM where relevant	Set objectives of the investigation/ location/identify admin support/ identify all parties involved in the complaint, ie. complainant, respondent, witnesses, etc where appropriate and how to contact them.	within 5 days
3	Identify Investigator(s)	HRM/AASAM where relevant	Select appropriately qualified investigator, preferably experienced in the Education Sector Dignity and Respect cases. Establish availability.	within 5 days
4	Appoint Investigator(s)	HRM/AASAM where relevant	Send list of possible investigators to complainant and respondent and get written agreement on who the investigator(s) will be. Ensure there is no conflict of interest. Discuss objectives of the investigation and timelines.	within 5 days
5	Investigator writes up TOR /seeks agreement on TOR	HRM/AASAM where relevant Investigator(s)	Ensure that the investigator(s) have copy of the complaint form. Provide support to Investigator; assist with contacting necessary parties and scheduling of meetings. Investigator prepares ToR setting out the objectives of the investigation/proposed timeline. ToR is agreed with parties in advance /written agreement is required.	Dependant on the complaint within 6 months, may run in parallel with other steps
6	Commence Investigation	Investigator(s)	Investigator(s) takes charge of the investigation. Schedules interviews with complainant/respondent/witnesses as required. Records of interviews are kept. Additional evidence presented is shared with all parties for comment. Investigator may seek meetings with colleagues of the complainant/other witnesses.	
7	Produce Draft Investigation report/send to parties for comment	Investigator(s)	A draft of the Investigation report is sent to the complainant and respondent who can revert with comments. It will contain agreed notes of interviews and a determination or not on whether the complaint is upheld.	within 5 days
8	Complete Final Investigation report /send to all parties	Investigator(s) HRM/AASAM where appropriate	The full Investigation Report, including all agreed notes and relevant documentation will be forwarded to the Manager identified in the ToR, the complainant and respondent and also to the HRM/AASAM where appropriate. If the complaint is upheld it will be sent to the President for a decision. The complainant and respondent will be notified in writing of the outcome of the Formal Investigation and will be provided with a copy of the Investigation Report.	within 15 working days of receipt of comments
	End of Investigation stage			
1	The complainant and the respondent have the right to Appeal the investigation process within 10 working days of receipt of the Final Investigation Report. The complainant and the respondent have the right to Appeal the Presidents decision within 10 working days of receipt See investigation appeals flow chart.			within 10 working days

18 Appendix J Flow chart for Appeal against the Investigation

The complainant and the respondent have the right to **Appeal** the investigation process within 10 working days of receipt of the Final Investigation Report.
 The complainant and the respondent have the right to **Appeal** the Presidents decision within 10 working days of receipt receipt of the See investigation appeals flow chart.

No.	Flow Chart	Function/Parties	Comment	Normal Timeline (working days)
1	<pre> graph TD Start(()) --> A{Appeal lodged} A -- No? --> F[Proceed to next appropriate step] A -- Yes? --> B[Appoint external Appeals Officer] B --> C[Carry out Review] C --> D[Communicate outcome] D --> E[Proceed to next appropriate step] E --> F F --> G([End]) </pre>		Right of Appeal for Complainant and Respondent or both Complete Form in Appendix D and copy to HRM/AASAM where appropriate	within 10 working days
2			HRM /AASAM as appropriate to appoint external Appeals Officer. Agreement by all parties is required.	within 10 working days
3		Appeals Officer	Reviews Complaint documentation. May contact complainant/respondent.	within 15 working days
4			Appeals Officer will communicate decision in writing to complainant/respondent/HRM/AASAM where appropriate, President or Nominee, HOS/HOD where complaint originated.	within 5 working days

19 **Appendix K Pro forma Investigation Report Outline**

1. **Title:** Report of Investigation into complaint made by _____ under the _____ Policy and Procedure
2. **Date of Report**
3. **Carried out by:** _____ Investigator (s)
4. **Report Circulation List as per ToR:**
 - Line Manager/Head of Function
 - Complainant (draft /final investigation report))
 - Respondent (draft/final investigation report)
 - HRM/AASAM where appropriate
 - President (if complaint upheld)
5. **Statement of Confidentiality**
6. **Brief outline of the complaint**
7. **Applicable policy/definitions**
8. **Methodology:**
 - Terms of Reference (ToR)
 - Steps in the investigation and chronology
 - Review of the formal complaint
 - Who was interviewed when interviews took place etc.?
 - Who was sent what documents etc.?
 - Supporting evidence
9. **Overview:** Any general overarching comments regarding the complaints or investigation
10. **Findings:** For each individual complaint briefly comment on the next four points
 - Nature of complaint
 - Response
 - Supporting Evidence
 - Conclusion What is the finding of fact? And what (if relevant) is the interpretation of that fact?
11. **Summary of conclusions:**
 - An overall conclusion/summary of points linked back to the ToR.
12. **Appendices:** Append any supporting documentation

Document Control

A. Document Details

Title:	Dignity and Respect Procedure
Owner(s):	Human Resources
Author(s):	HR Managers, Academic Administration and Student Affairs (ASAM) Managers, Unions Representatives, Student Union Representatives.
This Version Number:	1.0
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Important Note: If the 'Status' of this document reads 'Draft', it has not been finalised and should not be relied upon. An existing approved procedure is deemed relevant until such time as an updated procedure has been approved by the relevant approval authority and becomes the new binding procedure.

B. Revision History

Version Number	Revision Date	Summary of Changes	Changes tracked?	Proposed Revision Date

C. Relevant/Related Existing Internal/External Documents

Title	Status	Relevance to this document
Dignity & Respect Policy	Approved	Policy Document

D. Consultation History

This document has been prepared in consultation with the following bodies:

Consulted	Date	Details
TUI, SIPTU, Unite, Forsa, Student Union	Various dates in 2020	Consultation via working groups

E. Approvals

This document requires following approvals (in order where applicable):

Name	Date	Details of Approval Required
Governing Body	1 st January 2021	Governing Body

F. Responsible for Communication and Implementation

The Manager/Functional Area responsible for communication and implementation of the procedure:

Title	Functional Area	Date Implemented
HR/ASAM Managers	Corporate Affairs/Registrar	February 2021