



Polasaí agus Nósanna Imeachta/Policies and Procedures

Code	QA132
Title	Staff Harassment Policy
Policy Owner	Director of Human Resources
Date	01/09/2020 (revised Dec 2024)
Approved By	University Management Team

1.0 Policy statement

University of Galway (hereafter referred to as 'The University') is committed to creating an environment that proactively promotes dignity at work. All staff have the right to do their work, research and study in an environment that is free from harassment or sexual harassment.

All staff have the right to be treated with dignity and respect. Harassment can have a devastating impact on health, confidence, morale and performance of those affected by it. It may also have a damaging impact on employees who are not themselves the object of unwanted behaviour but who are witness to it or have a knowledge of unwanted behaviour. It may also have an impact on the economic efficiency of the enterprise where employees' productivity is reduced by having to work in a climate in which the individual's integrity is not respected.

Management has a responsibility to ensure such behaviour is not tolerated. Any staff member who experiences harassment will be fully supported by the University in bringing such unacceptable behaviour to a close.

All allegations of harassment will be dealt with in a fair, sensitive and confidential manner. Complaints will be progressed promptly, and the cooperation of all parties involved in a complaint must be given to ensure progression of the matter in a timely manner. This policy emphasises the importance of an informal resolution where possible and highlights the use of mediation and other tools as appropriate when dealing with complaints of harassment.

Harassment by staff and non-staff (students, clients, vendors, agency workers contractors and sub-contractors) will not be tolerated, and may result in disciplinary action up to and including dismissal (in the case of staff), or the imposition of sanctions including suspension of contracts or services, or exclusions from the premises (in the case of non-staff).

It is the responsibility of Heads of Schools and Units to lead by example by treating all staff and students with dignity and respect in line with the Staff Code of Conduct. The promotion of awareness of this policy and associated procedures will be the responsibility of Heads of Schools and Units, who will be assisted in this by the Human Resources Office through training and awareness activities.

This policy is based on the Code of Practice Harassment at Work, issued under the Employment Equality Act 1998. It is compliant with relevant legislation and the Code of Conduct of the University, and is fully committed to the principles espoused in the University's Dignity at Work Charter.

If there is a possibility that a criminal offence has occurred, the complaint should be referred to the Garda Síochána as soon as possible.

2.0 Aim of the Policy

The aim of the Harassment policy is to:



- Achieve a work environment where dignity and respect are to the forefront of our values
- Define what is meant by harassment in the workplace
- Outline how harassment may be prevented
- Ensure that all reasonable efforts are made by the University to deal with complaints of harassment
- Raise awareness of the effects of harassment and sexual harassment on all individuals in the working and learning environment
- Promote a climate in which staff members are facilitated to raise complaints of harassment without fear of reprisal
- Eliminate all forms of harassment in the workplace

The University is committed to ensuring that all staff are aware of the procedures for bringing complaints under this policy and that no staff member should feel threatened or fearful of raising such issues or giving evidence in proceedings or otherwise supporting a complainant.

2.1 Scope

This policy applies to allegations of harassment and pertains to all University staff members (including full-time, part-time and agency staff), as well as clients, vendors, contractors and sub-contractors working for or on behalf of the University.

This policy applies to conduct on authorised presence at the workplace. For the purpose of this policy, the workplace includes official field-work, work-related social events, conferences and training, and work in another part of the University campus not normally attended by the individual; this list is not exhaustive.

It is the right of each individual to decide what behaviour is unwelcome. This decision should be made without reference to the opinions or attitudes of others. The impact of harassment can be devastating, and it can threaten a person's job security or create an intimidating working environment. It can also affect health and personal life generally and have a dramatic influence on an individual's demeanor

2.2 Timelines

The timelines outlined within this code should be treated as a guide. It is in the interest of all parties that complaints are progressed in a timely and efficient fashion in compliance with the timelines in this policy. It is expected an investigation should be completed within 6 months from receipt of the complaint.

3.0 Allocation of Responsibilities

All staff members can contribute to achieving an environment free of harassment through training initiatives and cooperation with management and trade union strategies.

3.1 The University

Under this policy, the Heads of Schools and units must make every effort to ensure that harassment does not occur and that complaints are addressed speedily. In particular, the Heads of Schools and Units will:



- Provide a good example by treating all in the workplace with courtesy and respect
- Promote awareness of the University’s policy and complaints procedures
- Be vigilant for signs of harassment and take action before a problem escalates
- Respond sensitively to a staff member who makes a complaint of harassment
- Explain the procedures to be followed if a complaint of harassment is made
- Offer support through the Employee Assistance Programme (EAP)
- Ensure due process is applied and that an alleged perpetrator is treated fairly
- Ensure that a staff member making a complaint is not victimised before, during or after making a complaint

3.2 Trade Unions

The University Management Team (UMT) have facilitated consultation with Trade Unions in the development and implementation of this policy. Trade Unions play a role in the prevention of harassment in the workplace through their information and training services, and through the collective bargaining process. They may also play a role in providing information, advice and representation to members who have been harassed, and to employees against whom allegations of harassment have been made.

3.3 Staff Members

Staff members can contribute to achieving a harassment-free environment through co-operation with management and trade union strategies to eliminate harassment. All staff members must conduct themselves so as to respect the rights of others to dignity in the workplace. It is important to note that harassment constitutes misconduct, and may lead to disciplinary action up to and including dismissal.

3.4 Non-Staff Members

Harassment by non-staff members such as students, clients, vendors, agency worker’s contractors and sub-contractors will not be tolerated and may lead to termination of contracts, suspension of services, exclusion from a premises or the imposition of other sanctions (as appropriate).

4.0 Irish Legislation relating to Harassment

The Employment Equality Acts 1998-2005 place an obligation on all employers to prevent harassment in the workplace or otherwise in the course of employment. The Act prohibits discrimination on nine specific grounds where a staff member must not be treated in a less favourable manner based on the following grounds:

Gender	man, woman, non-binary- (cisgendered/transgendered)
Civil Status	single, married, separated, divorced, widowed, in a civil partnership within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 or being a former civil partner in a civil partnership that has ended by death or been dissolved.
Family Status	responsibility as a parent or as a person in loco parentis in relation to a person under 18, or as a parent or the resident primary carer of a person over 18 with a disability which is of such a nature as to give rise to the need for care or support on a continuing, regular or frequent basis



Sexual Orientation	all sexual orientations
Disability	<p>this is very broadly defined in Section 2(1) of the Employment Equality Act and includes most disabilities. “Disability” means—</p> <ul style="list-style-type: none">a) the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body,b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,c) the malfunction, malformation or disfigurement of a part of a person’s body,d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, ore) (e) a condition, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, and includes a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.
Age	the protection against age-related discrimination (including harassment) in employment applies only to employees over the maximum age at which a person is statutorily obliged to attend school. The minimum school leaving age is currently 16 years, or the completion of three years of post-primary education, whichever is the later.
Race	race, colour, nationality or ethnic or national origins.
Religious Belief	includes different religious background or outlook, (including absence of religious belief)
Membership of Travelling Community	“Traveller community” means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland

Further to this, the Act prohibits discrimination in all aspects of a person’s employment, including:

- Access to employment
- Conditions of employment
- Training or experience
- Promotion or regrading
- Classification of posts
- Vocational training
- Equal pay

It may also apply in certain circumstances when the relationship between the individual and the University has ended, for example in the provision of references to the individual upon exiting employment.



5.0 Definition of Harassment

Harassment is defined in Section 14a (7) of the Employment Equality Act 1998 as:

Any form of unwanted conduct related to any of the discriminatory grounds, if the conduct 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 discriminatory grounds, for the purposes of the legislation are gender, civil status, family status, sexual orientation, disability, age, race, religious belief and membership of the Traveller community.

The protection of the Act extends to situations where the employee does not have the relevant characteristics related to the discriminatory ground but the perpetrator believes that they have that characteristic, for example, if the perpetrator believes the employee is gay and in fact the employee is not. The Act covers harassment committed by an individual's employer or co-workers, and also (in some circumstances) harassment by clients or business contacts of the employer.

Many forms of behaviour, including spoken words, gestures or the display/circulation of words, pictures or other material, may constitute harassment. Harassment can be ageist, sexist, homophobic or racial in form or in undertone, and can offend because of an individual's disability. A single incident may constitute harassment. The following list of examples is illustrative rather than exhaustive:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails, electronic communications or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Excessive monitoring of work
- Isolation or exclusion from social activities
- Unreasonably changing a person's job description or performance targets
- 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

Physical conduct of a sexual nature — This may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse.

Verbal conduct of a sexual nature — This includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.

Non-verbal conduct of a sexual nature — This may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages, electronic communications or faxes. It may also include leering, whistling or making sexually suggestive gestures.

Gender-based conduct — This includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of their gender such as derogatory or degrading abuse or insults which are gender-related. Same-sex sexual harassment is also covered by legislation.



The test for harassment is subjective and it is for the individual to decide what is offensive or upsetting to them. An individual's response to harassment cannot be used as the basis for a decision affecting them.

5.1 Examples of what is not Harassment

- Fair and constructive criticism
- Legitimate and reasonable management responses to crisis situations which require immediate action
- Discipline arising from the appropriate management of staff performance
- Matters arising from the assignment of duties or terms and conditions of employment
- Inappropriate behaviour that is not linked to one of the nine grounds of discrimination

6.0 Unwelcome Conduct and Intention

In order to constitute harassment, the behaviour complained of must firstly be unwelcome. It is up to each employee to decide (a) what behaviour is unwelcome, irrespective of the attitude of others to the matter and (b) from whom, if anybody, such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter. The fact that an individual has previously agreed to the behaviour does not stop them from deciding that it has become unwelcome. It is the unwanted nature of the conduct which distinguishes harassment from behaviour which is welcome and mutual.

Further to this, the behaviour must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The fact that the perpetrator has no intention of harassing the employee is no defence. The effect of the behaviour on the staff member is what is relevant.

6.1 Allegations of Harassment based on the Content of Teaching Materials, Artistic Exhibition or Related Matters

It is recognised that those teaching certain subjects such as languages and literature, law, biological or social sciences and medicine must occasionally present and discuss material relating to sex and sexuality, race, ethnicity and other protected grounds and that students may sometimes find this material embarrassing or upsetting.

While teachers are under an obligation not to be gratuitously offensive, they must be protected from unfair allegations of harassment based on the subject matter being discussed. Likewise, it is important that members of the University community have access to art exhibitions, dramatic and cinematic productions, and discussion and debate on a wide range of political, cultural and social issues.

However, it should be noted that the material per se may not be offensive, but the manner in which it is discussed may be. University policy prohibits the gratuitous use of pornographic, racist or other offensive material.

It is recognised that a balance must be struck between preserving the freedoms of expression and intellectual enquiry so vital in a University community and ensuring that those freedoms are not so abused as to leave members of the University feeling sexually, racially or otherwise harassed. It should be noted that, in so far as teachers are concerned, this recommendation applies only to the presentation of materials for academic purposes.



7.0 Sexual harassment is defined in Section 14A (7) of the Employment Equality Act 1998 as:

Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Many forms of behaviour can constitute sexual harassment. It includes examples like those contained in the following list although it must be emphasised that the list is illustrative rather than exhaustive. A single incident may constitute sexual harassment

If you are seeking advice with respect to Sexual Harassment, please refer to

[Policy, Procedure & Framework - University of Galway](#)

[QA361-SVH-Policy-&-Procedure-Final.pdf](#)



OLLSCOIL NA GAILLIMHÉ
UNIVERSITY OF GALWAY