



UNIVERSITY *of* LIMERICK

O L L S C O I L L U I M N I G H

Acceptable Behaviour in the Workplace Policy

Approved by Governing Authority 6 October 2016

1. POLICY STATEMENT

- 1.1. The University of Limerick is committed to the development and maintenance of a positive working environment. In pursuit of this, it is the policy of the University through its human resource management policies and practices, to strive to provide all employees with an environment, which is free from unacceptable behaviour.
- 1.2. The University expects the highest standard of behaviour from all employees and for all employees to be aware of how their behaviour can affect others. To achieve this standard it is the general expectation that all employees and others who may be working on behalf of the University, will behave in an acceptable manner when interacting with members of the University community. The University is committed to creating and sustaining a positive and mutually supportive working environment where staff can work collaboratively and productively together and where staff are equally valued and respected.
- 1.3. The University expects that members of staff will conduct themselves in a professional and acceptable manner. All members of the University shall be aware of their own behaviour and how it affects others.
- 1.4. Any staff member who considers that s/he is the subject of unacceptable behaviour will be referred to as the “complainant”. The person against whom the allegation is made will be referred to as the “respondent”.
- 1.5. Scope

The purpose of this policy is to promote acceptable behaviour and deal with unacceptable behaviour if it arises. The policy applies to management, fellow employees, subordinates, service providers, customers, clients or other business contacts that employees would reasonably come in contact with in the course of their employment. It also applies beyond the workplace to off site and to work-related social events for example office parties, away days, conferences, training courses, sporting events, etc.

This Policy will not apply where the respondent or complainant is a student.

2. DEFINITIONS

2.1. *Acceptable Behaviour*

Acceptable behaviour in the workplace fosters a positive environment. It is expected that all staff will conduct themselves in a manner characterised as:

- Affording dignity, trust and respect to all within the workplace;
- Having awareness of the effects of one’s behaviour on others and avoiding making unreasonable and unmanageable demands of them;
- Communicating honestly and openly, clearly stating what we mean and what we expect of others;
- Providing honest feedback based on objective information;
- Being open to constructive feedback;

2.2. *Unacceptable Behaviour*

Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. Unacceptable behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone or e-mail communications or social media. Such behaviours may also contravene equality and/or employment legislation. For the avoidance of doubt and for the purposes of this policy, invoking University procedures connected to areas such as conduct, capability or discipline where such procedures are applied reasonably and appropriately will not constitute unacceptable behaviour.

3. **INFORMAL PROCEDURES**

- 3.1. Unacceptable behaviour will normally be dealt with locally in a low-key, non-confrontational manner through the informal procedures, except where, in the view of management, the seriousness of the complaint requires implementation of the formal procedures.
- 3.2. In most cases the most effective way of dealing with unacceptable behaviour is to speak directly with the person concerned as early as possible. This is most appropriate where an employee simply wants the unacceptable behaviour to stop and it is not of a more serious nature.
- 3.3. Where possible, it should be made immediately clear to the individual that the behaviour is considered inappropriate. This may in many instances be sufficient to resolve the problem.
- 3.4. However, if this approach does not lead to a resolution or if the complainant is unable to raise the issue with the respondent, s/he should report the matter to his/her manager and to the next level of management, where necessary.
- 3.5. Managers have an active role to play in resolving any issues that are raised under this policy and are they expected to take action if any incidents involving unacceptable behaviour are brought to their attention, seeking advice and support from HR as appropriate.
- 3.6. If the complainant's manager is the person against whom the complaint is being made, the complaint may be made to the next level of management.
- 3.7. The informal procedure is designed to try and resolve the matter swiftly and effectively with the minimum amount of distress to all parties. In this regard the following will occur:
 - Discussion of the problem between the complainant and his/her line manager;
 - The manager will approach the respondent outlining the nature of the complaint and the impact on the complainant;
 - Through a series of discussions, the manager will work to resolve the issue with the two parties;
 - Notes will be taken by the manager; and

- Following resolution, the manager will monitor and review the situation with both parties.
- 3.8. If it is not possible to resolve the matter locally then the complainant or his/her manager, having informed the complainant, may bring the matter to the attention of the Director of Human Resources.
- 3.9. The Director of Human Resources or his/her nominee may, where appropriate and with the consent of the parties involved, seek to resolve the matter with the assistance of an objective designated third party.
- 3.10. In certain cases, the Director, HR or his/her nominee may suggest that mediation should take place between the complainant and the person against whom the complaint is made. Mediation is a voluntary, without prejudice and confidential facilitated process that is designed to resolve workplace difficulties.

4. FORMAL COMPLAINT & INVESTIGATION PROCEDURES

- 4.1. The Formal Complaint and Investigation Procedures will normally be followed:
- 4.1.1. If the local manager and the Human Resources Division considers the complaint to be of sufficient seriousness to warrant the complaint being dealt with under the Formal Procedures in the first instance; or
- 4.1.2. If attempts to resolve the matter pursuant to the Informal Procedures have failed; or
- 4.1.3. If the unacceptable behaviour has continued after the Informal Procedures were followed.
- 4.2. The complainant should submit a formal complaint in writing to his/her manager (or the next level of management as at 3.6). The complaint should be confined to the specific details of the alleged behaviour, including their dates and names of witnesses, where possible and be signed and dated. The written complaint should include details of any informal resolution that has been attempted. Any evidence supporting the allegations made, such as emails, should also be submitted as part of the written complaint.
- 4.3. Within 5 working days of receipt of the written complaint, the complainant's manager will send it to the Director of Human Resources.
- 4.4. The respondent will be notified that an allegation of unacceptable behaviour has been made against him/her. This notification will be sent to the respondent within 5 working days of the complaint being submitted, or as soon as possible thereafter, in exceptional circumstances. Such exceptional circumstances may be that Human Resources may need to take professional advice with regard to the complaint. The respondent will be given a copy of the complainant's written complaint and will be informed that s/he is required to respond to the allegation in writing, within 10 working days. The complainant will be provided with a copy of this response.

- 4.5. The complaint and the response will be initially examined by the Director of Human Resources or his/her nominee.
- 4.6. If deemed appropriate, the Director of Human Resources or his/her nominee may seek to resolve the matter informally with the assistance of a third party if necessary.
- 4.7. Where a formal investigation is deemed to be warranted by the Director of Human Resources or his/her nominee, then s/he will appoint an independent investigator and will notify the parties involved of the basis of the investigation and the procedures to be followed within 10 working days.
- 4.8. While the University will endeavour to comply with the timelines set-out in this Policy, these may be extended in exceptional circumstances.

5. INVESTIGATION

- 5.1. The objective of an investigation is to determine whether or not, on the balance of probabilities, the behaviours complained of occurred. Evidence and any witness statements will be relied on for this purpose.
- 5.2. The investigation will be governed by terms of reference. In general, it is expected that the investigation will be completed within 16 weeks of the appointment of the Investigator. Where this is not possible, the parties will be informed of the circumstances and updated as appropriate.
- 5.3. Should any employee specified as playing a part in these procedures be themselves subject to these procedures, the President will nominate an appropriate person to assume the relevant authority in their place. Should the President be the subject of a complaint, these procedures will be appropriately adapted by the Governing Authority to enable the application of due process.
- 5.4. The advice and assistance of an outside expert will be available to the Investigator if deemed necessary by the Investigator.
- 5.5. The Director of Human Resources may nominate a Human Resources Representative to support and co-ordinate the investigation process.
- 5.6. The Human Resources Representative will have a co-ordinating, advisory and compliance role and will not be involved in the investigation itself.
- 5.7. The investigation will be carried out with due respect to the rights of both the complainant and the respondent and will, in so far as is reasonably practicable, be carried out with the minimum of delay, consistent with fairness and due process to both parties.
- 5.8. The complainant, the respondent and witnesses will be interviewed separately and may be accompanied at all investigative interviews by a friend, colleague or union representative. Copies of statements will be given to and agreed with those who make statements to the Investigator.

- 5.9. The Investigator may meet with any other appropriate person(s) who can assist with the investigation. The purpose of such meetings is to establish the facts and all discussions will be confidential in so far as is reasonably practicable.
- 5.10. It is a requirement that all parties involved maintain confidentiality. Information is, however, subject to any limits or disclosure requirements imposed by law, by this procedure or by the Freedom of Information Act(s) and the Data Protection Act(s).
- 5.11. Having gathered and considered all the relevant information, the Investigator will be required to produce a written, reasoned report setting out their findings. This report will conclude whether or not, on the balance of probabilities, the complaint of unacceptable behaviour has been substantiated. Where it is concluded that unacceptable behaviour has taken place, the Investigator will note the extent of the behaviour.
- 5.12. Where a complaint of unacceptable behaviour is not substantiated, the Investigator will stipulate whether or not they have reason to believe that the complaint was false, malicious or vexatious in its intent.
- 5.13. A draft report of the Investigator will be sent by the Investigator to both parties for an opportunity to correct any factual errors. Both parties will have 10 working days to respond. The Investigator will give reasonable consideration to any responses provided and will provide in their final report a reasoned commentary on his or her consideration of these aspects.
- 5.14. The final report of the Investigator will be sent to the Director of Human Resources who will initiate the appropriate course of action based on the findings of the report.
- 5.15. The Director of Human Resources or his/her nominee will write to both the complainant and the respondent informing them of the outcome of the investigation and the action to be taken. A copy of the Investigator's report will also be provided. The content of the letter and report will be kept confidential by all parties involved.
- 5.16. The University will provide for an appeals process for either party in respect of the investigation. If, following the investigation, either party is dissatisfied with the outcome of the investigation, or alleges manifest departure from these procedures, s/he may appeal, in writing, within 10 working days of the date the outcome is issued. This appeal must be submitted to the Director of Human Resources outlining the reason for the appeal. An appeal will not be undertaken unless the grounds, on either the outcome or manifest departure from these procedures are clearly stated in the appeal. The appeal will be conducted by an external independent Appeal Committee / sole external appeal person as determined by the Director of Human Resources or his or her nominee, who has not previously been involved in the investigation of the complaint and will focus only on the aspect of the basis of the appeal cited by the appellant as being the subject of the appeal. The grounds of the appeal and any outcome and methodology employed should be appended to the investigation file.

- 5.17. If, following the investigation, the complaint has been substantiated and disciplinary action imposed, the respondent has the right to appeal against the disciplinary action in the normal way under the appeal procedure provided for in the University's disciplinary procedures¹.
- 5.18. The University will do all within its power to protect the parties involved in these procedures from intimidation, victimisation or discrimination resulting from their involvement in the investigation process.
- 5.19. Where a complaint is not upheld by formal investigation, this does not necessarily indicate that the complaint was false, malicious or vexatious. The application of this provision should not in any way deter employees from bringing forward legitimate complaints.
- 5.20. Nothing in this Policy affects employees' statutory or common law rights.
- 5.21. While the University will endeavour to comply with the timelines set out in this Policy, these may be extended in exceptional circumstances.

6. POLICY REVIEW

- 6.1. This policy will be reviewed as appropriate.

¹ Statute No. 4: Statute on Employee Disciplinary Matters and Termination of Employment.