



GALWAY BUSINESS SCHOOL


Staff Recruitment, Management and Development Policy

May 2020

5. Staff Recruitment, Management and Development

5.1 Purpose

Galway Business School endeavours to provide consistency and transparency in how it recruits manages and develops its staff. The policy is holistic in its scope, covering staffing issues from prior to appointment through to the development of existing staff. The importance of consistency and transparency is to ensure that no individual is discriminated against and that all potential and current staff are fully aware of what the college expects from them in all areas of the policy.

Document Name: Staff Recruitment, Management and Development Policy	
Owner: Registrar	
Approved by: Governing Body	
Review frequency: Every 2 years	

Version	Description of Amendments	Approval Date	Implementation Date
V1.0	Approval in full of the policy by the Governing Body	May 2016	May 2016
V2.0	Extended by enhanced Disciplinary and Grievance Procedures and by enhanced Respect and Dignity Policy	July 2019	September 2019

5.2 Introduction

Galway Business School considers the quality of its people the single most critical factor in achieving success as a teaching and learning organisation and in equipping learners with the necessary academic and life skills to take their place in the workforce and in society. GBS is committed to attracting qualified, committed and competent academic staff with the necessary expertise to meet the demands of the programmes and to support the learner in their chosen programme of study.

The selection, recruitment and retention of competent and effective staff is fundamental to the ongoing success of the school. Equally, the management and development of staff is integral to ensure that they are sufficiently qualified, supported and capable of delivering the high level of quality education that GBS strives to provide for its learners.

The policy applies to all staff who are involved in the management, administration and delivery of GBS programmes and supports staff members' contract(s) of Employment and the GBS Employee Handbook.

5.3 Staff Recruitment

The Recruitment Policy ensures that the school identifies and appoints the ideal candidate with the necessary competence to effectively teach and/or support learners. Consideration must also be given to whether the position is new or recently vacated, why the position is needed, how it will assist the school in achieving its strategic goals and mission, how it relates to other positions in the school, and what skills and other abilities are necessary to carry out its responsibilities.




The decision to recruit an employee is made in response to an identified need. With regards to academic staff, the need to recruit new members of the lecturing team is identified by the Programme Board and/or by the Registrar. The ongoing employment needs of Galway Business School are reviewed by the Management team on a regular basis.





Once the need has been identified, a person specification and job description are produced. The person specification sets out the requirements of the position in terms of qualifications, personal skills and experience. The job description outlines the goals and objectives of the role including the main duties and the reporting relationships involved in the organisation. It is sufficiently flexible to allow the roles and responsibilities to evolve. The selection and recruitment process is signed off by the Managing Director.

For management and administration staff, the College ordinarily appoints a staff member for full-time or part-time contracts. However, should there be a need, the School may appoint a staff member to a fixed-term contract for a defined purpose such as lecturing or administrative support at particular times of the year e.g. the summer examination period. However, this does not negate the legal employment rights that are afforded to staff on fixed-term contracts, which the school fully abides by.

5.3.1 Staff Recruitment process

The step-by-step process for the recruitment of staff is as follows:

Procedure	Details
Provide rationale for any new positions	<ul style="list-style-type: none"> • New Academic positions must be approved by the Academic Coordinator or Registrar (whoever the recruited person is to report to) and signed off by the Managing Director • Non-academic positions must be approved by the Department Head / Line Manager and the Managing Director
	
Devise a job description	<p>The job description will include:</p> <ul style="list-style-type: none"> • Essential skills, qualifications, and the experience necessary • Desired skills, qualifications, and experience necessary • Key roles and responsibilities of the position • A summary of the expected work activities • The duration and terms of employment of the position • Any additional duties (meetings, programme development etc.)
	
Advertise a position (both internally and externally)	<ul style="list-style-type: none"> • Advertise online, through LinkedIn, the School's website, local and national newspapers, a recruitment website etc.
	

Screen all applicants	<ul style="list-style-type: none"> • Applicants are screened to see whether they meet the minimum criteria.
	
Shortlist a minimum of two candidates Call for interview	<ul style="list-style-type: none"> • Any interview panel must contain at least two people, which must include the line manager of the new appointee. • Inform the interviewee that they will be required to do a presentation as part of the interview process • Use a criteria-based rating system to score each interviewee, based on previously agreed criteria (linked to job description)
	
Collectively choose the most suitable candidate	<ul style="list-style-type: none"> • The decision should be unanimous. • Where it is not, another round of interviews will be required, where the interview panel will change. • The selection decision after this round of interviews enquires a 2:1 majority in favour of an interviewee.
	
Check references	<ul style="list-style-type: none"> • A reference check may be completed by email or phone
	
Make an offer of employment	<ul style="list-style-type: none"> • Offer is made verbally, followed by a formal letter • The candidate has 7 days to respond in writing • Upon acceptance, all other interviewees will be notified of the outcome of the interview process. • A formal contract is then issued

5.4 Staff Management Process

GBS views the appropriate management of staff as integral to ensuring that the academic, professional, pedagogical and technical standards of staff are maintained and enhanced. This requires GBS to regularly review the performance of its staff and to support their development within the company. Additionally, every member of staff is provided with a contract of employment and an Employee Handbook on or before the commencement of their employment, so that they are aware of and refer to them at all stages of employment. Lecturers are provided with a Lecturer Handbook as well as the Quality Assurance Handbook location on Moodle.

To ensure that the academic, professional and technical standards of staff are maintained and enhanced, GBS:

- Reviews all job descriptions on an annual basis as part of employee appraisals to ensure their continued relevancy and currency. Such reviews will be particularly cognisant of developments within the area of the job. The reviews are conducted by the Registrar and Academic Coordinator.
- Encourages staff to join professional bodies that are related or relevant to their job. GBS pays any associated membership fee for a professional body, where this is agreed to be of benefit to the school's activities. Staff can recommend or be recommended to join professional bodies by GBS management.
- Encourages staff to attend academic conferences where the topic of the conference is of relevance to their job role. GBS will also pay for any cost of attending the conference and any associated travel expenses. These should be agreed prior to registration for the conference. Staff can recommend or be recommended to attend conferences by GBS management.
- Holds staff training sessions at least twice per year, and more often if necessary, on topics identified as benefiting the school's development. These sessions may be conducted by internal staff members or external personnel. These sessions will be scheduled by GBS management.

5.5 Staff Probationary Period

All new staff hired will serve an initial probationary period of maximum of 11 months. Performance is reviewed after 6 months by their line manager.

Depending on the performance of the individual during this probationary period, the line manager may:

- Allow the probationary period to end and inform the individual of this. The individual will be informed that they have successfully completed their probationary period. In practice, the individual's role will not change.
- Extend the period of probation for a further 5 months
- Terminate the employment of the individual

If the decision is to terminate the employment of the individual due to roles and responsibilities of the job not being met, or terminable offences as outlined in the Code of Conduct policy, due process will be followed. This would be an untypical outcome and would only occur after repeated notifications to the employee that their performance has not met the expected standard.

5.6 Staff Appraisal and Development System

GBS is committed to supporting its staff to fulfil their job responsibilities to the best of their abilities through its Staff Appraisal and Development System. To complement this system, the College also has its own goals for its staff development initiatives. These are:

- To improve the learner experience
- To support the pedagogical approaches used by its teaching faculty
- To support the use of new technology in its teaching and learning methodology
- To support innovation in teaching methods
- To improve the efficiency of its management and administration functions
- To support research activity that contributes to the teaching and learning activities in the college

Furthermore, where the school has a new member of staff who is newly-qualified or has minimal experience, the school commits to supporting this staff member through the following mechanisms:

- Assigning that staff member with a mentor to assist them
- Reviewing their performance within 1 month of commencement in order to provide feedback to date
- Expediting and prioritising CPD training (and funding if necessary) for such staff members. Such applications will be considered outside the structure outlined in the Appraisal and Staff Development System

5.6.1 Staff Appraisal System

An annual appraisal of all staff is conducted by the Academic Coordinator and Registrar. The key elements of this system are:

- To review the staff member's work performance for the previous year
- To set goals for the following year
- To ensure coherence between staff training and development activities and GBS's strategy
- To ensure that lecturer voice and opinion is considered through out the review process
- To ensure that learner's voice is considered through the review process (through learner feedback)
- To ensure that management voice and opinion is considered through the review process

5.6.2 Staff Development System

The college is committed to the development of its staff and place great importance on the concept of staff development. However, it also acknowledges that the resources it has to commit to staff development are finite. Therefore, the College must review applications for continuous professional development (CPD) and determine which applications merit commitment of resources. The college makes this decision with regard to the following criteria:

- An application for CPD can be made formally as part of the annual appraisal.
- Applications for CPD can also be made informally to the Academic Coordinator
- The college's senior management will assess all CPD applications, and determine the outcomes of all applications, within one month of application.
- All CPD applications will be assessed under the following criteria
 - Relevancy to the staff member's job role with the company
 - Relevancy to GBS's strategy
 - Relevancy to the career progression of the applicant
 - Cost of the requested CPD activity

5.7 Staff Code of Conduct

The Staff Code of Conduct is intended to support the school's mission to provide high quality education. Furthermore, it facilitates the ethical treatment of staff, a harmonious working environment for staff and a harmonious learning environment for learners.

The central pillars of the Staff Code of Conduct are:

Integrity:

- Staff should act with honesty and integrity in all aspects of their work. Staff will respect the privacy of colleagues and stakeholders unless there is a legal or ethical imperative necessitating disclosure to a relevant person and/or authority.
- Staff must avoid conflicts of interests that should arise between their role with GBS and their private interests. Where there may be such a conflict it is the staff members responsibility to notify their line manager of this.
- Staff will not accept gifts from external individuals, stakeholders or learners without the consent of their line manager. All gifts received will be accounted for with Management. Cash gifts are not acceptable in any circumstances.

Values and Relationships

- Staff will be fair, reasonable and honest in their interactions with peers, learners, management and stakeholders
- Staff will be committed to quality and inclusion and respect the diversity of learners, management and stakeholders.
- Staff will uphold the reputation of the school and not bring its name into disrepute
- Staff will act in a manner that helps ensure the health and safety of peers, learners, management and stakeholders
- Staff will not intentionally act or behave in a manner that infringes upon legislation or regulations that govern their job role
- Staff will report any incident they witness where the welfare of a peer, learner, management or stakeholder is put at risk
- Staff will not intentionally have in their possession material, in any format, that is inappropriate or offensive to others.
- Staff will be professional, courteous and respectful in all communications with peers, learners, management and stakeholders

- Staff will not present to work in a manner that impedes their ability to perform their roles as expected.
- Staff will respect the confidentiality of any information that they may receive during the course of their duties with the school
- Staff are encouraged to be open and transparent in sharing their opinion of the management, operations and governance of the school. Such opinions shall be discussed in a collegial, respectful and professional manner, and can be made by the staff member without fear of reprisal.

Practice

- Staff will fulfil the duties assigned to them to the best of their ability
- Staff will communicate to the relevant person in a timely manner if their availability for a scheduled task/duty/event has changed
- Staff will work in a collaborative and collegial manner, when required, to effectively meet the goals of the school
- Staff will support the school, in as much as is responsible, in improving and enhancing its education provision
- Staff will act in the best interest of the school

Where an aspect(s) of this Code of Conduct is not fulfilled, the staff member may avail of the grievance procedure or be sanctioned under the school's disciplinary process. The school's grievance and disciplinary processes are designed to protect the interests of both the school and its staff, learners and stakeholders.

The grievance and disciplinary process aims to ensure that:

- Staff members are treated fairly and without prejudice
- Staff members have an assumption of innocence until definitively proven otherwise
- Staff members will be given full opportunity to provide their version of events, with any extenuating circumstances taken into account

Where misconduct has been identified in relation to a staff member and is deemed to be major, a staff member will be reprimanded through the disciplinary process outlined below. Ordinarily, staff will progress through the stages of the disciplinary process in order unless there is a justifiable reason to skip a stage(s).

5.8 Respect & Dignity

GBS is a multi-cultural community that values and promotes equality and diversity across its organisation. The school does not tolerate unlawful discriminatory practices. GBS believes that its entire staff, learners, visitors, contractors, sub-contractors and others associated with the school have the right to enjoy their work and or study in an environment free from harassment or bullying.

The policy to promote respect and dignity sets out our commitment to the promotion of a school that recognises and respects individual differences and that rejects harassment or bullying as destructive to the recipient, the harasser or bully, and the school. Every employee and learner of the school should be aware that all forms of harassment or bullying are unacceptable and that everyone has a duty to behave in an acceptable and appropriate manner.

The policy provides a set of guidelines for any member of the school community who experiences incidents of harassment or bullying. The policy provides a number of options to resolve incidents that may arise. The policy requires that colleagues adhere to professional standards of behaviour and to take appropriate action in relation to other employees or learners who exhibit unacceptable behaviour.

An individual who experiences harassment or bullying in the course of his/her work or study will have the support of the school in putting a stop to the behaviour. Complaints will be addressed speedily and will be treated with fairness and sensitivity and in as confidential manner as possible.

5.8.1 Defining harassment, sexual harassment or bullying

5.8.1.1 Harassment

Harassment is 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 recipient and could reasonably be regarded, in relation to the relevant characteristic of the recipient, as offensive humiliating, or intimidating. Harassment is covered in legislation by the Employment Equality Act, 1998 and 2004. The issue of harassment is also dealt with under Equal Status Act, 2000 and 2004. Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. For the purpose of this policy all references to harassment include any activity that can be classified as sexual harassment.

5.8.1.2 Bullying

Bullying is any form of repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, it is not considered to be bullying.

5.8.2 What constitutes harassment or bullying

There are many examples of harassment or bullying. To constitute harassment under the legislation, the behaviour must be reasonably regarded as offensive, humiliating, or intimidating to the recipient. A single incident of unwanted behaviours of a sexual nature can be viewed as harassment. While some behaviour may be overt such as verbal abuse and the threat of physical violence, it can also be covert including subtle intimidation through inappropriate comments about personal appearance, constant criticisms, isolation and/or exclusion, or unrealistic, embarrassing or degrading demands. The following is a non-exhaustive listing of examples of behaviours which can be viewed as harassment or bullying.

- Abusive, insulting or offensive language by one or more persons to another or others.
- Behaviour or language which frightens, humiliates, belittles or degrades, including criticism that is delivered with a raised voice,
- Inappropriate comments about a person's appearance, lifestyle or their family;
- Teasing or regularly making someone bear the brunt of pranks or practical jokes;
- Interfering with a person's personal effects or work equipment
- Physical assaults or threats
- Behaviour that undermines, treats less favourably, or disempowers others. Examples may include: overloading a person with work, setting timelines that are difficult to achieve or constantly changing deadlines, setting tasks that are beyond a person's skill level, ignoring or isolating a person, deliberately denying access to information, consultation or resources, or unfair treatment in relation to accessing entitlements such as leave or training
- Inappropriate written communication including letters, emails or telephone text messaging

5.8.3 What does not constitute harassment or bullying?

It is important to differentiate between the exercise of a person's legitimate authority, as opposed to harassment or bullying. Line managers and supervisors have the right to manage, direct and govern how work is done, and a responsibility to monitor workflow and to manage performance. The exercise of this right is not harassment or bullying.

Disciplinary action taken against staff or learners does not constitute harassment or bullying where the appropriate processes have been applied and communicated in a professional manner, examples of which follow:

- Constructive feedback and /or advice on performance or professional behaviour are appropriate and reasonable management actions.
- Critical comments indicating performance deficiencies do not constitute harassment or bullying where the comments are objective and communicated professionally.
- Constructive and appropriately delivered feedback which is intended to assist staff to improve their performance or the standard of their behaviour.
- Constructive and appropriately delivered academic feedback to learners. Any such feedback should be in keeping with the school regulations.

5.8.4 Nine grounds of prohibited discrimination - as outlined in the Employment Equality Act, 1998 and 2004

- Gender : A man, a woman or a transsexual person (note: specific protection is provided for pregnant employees or in relation to maternity leave);
- Civil Status: Single, married, civil partnered, separated, divorced or widowed;
- Family Status: A parent of a person under 18 years or the resident primary carer or a parent of a person with a disability;
- Sexual orientation: Gay, lesbian, bisexual or heterosexual
- Religion: Different religious belief, background, outlook or none;
- Age: This applies to all ages above the maximum age at which a person is statutorily obliged to attend school;
- Disability: This is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions;
- Race: A particular race, skin colour, nationality or ethnic origin;

- Membership of the Traveller community: People who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

5.8.5 Impact of harassment, sexual harassment or bullying

Harassment or bullying can lead to serious health consequences and individual distress for those, affected, and cause organisational disruption with substantial financial and other consequences for the school. Indicators include disrupted teamwork; poor morale; reduced student and staff loyalty/commitment; impact on recruitment/retention, increased absenteeism, sick leave, staff turnover and poor employer public image.

Harassment or bullying can impact on health as indicated by distress, anxiety, sleep disturbance; sense of isolation; depression; loss of self-esteem/self-confidence; impaired ability to make decisions; physical symptoms of ill health e.g. headaches, nausea; deterioration in family/social relationships and increased risk of injury in the work/study environment.

At an organisational level, harassment or bullying may result in an unsafe work environment, which can lead to prosecution under Section 8.2 b of the Health Safety and Welfare at Work Act 2005 (www.oireachtas.ie/documents/bills28/acts/2005/a1005.pdf).

5.8.6 Victimisation

A complainant will not be victimised or subjected to any form of sanction for making a complaint in good faith, nor will any individual be victimised or subjected to sanctions for giving evidence in proceedings or giving notice of their intention to do so. No element of penalty will attach to a complainant whose complaint is found to demonstrate that:

- Harassment or bullying did take place
- Harassment or bullying did not take place
- It was not possible to determine whether harassment or bullying occurred

5.8.7 What is expected of members of the GBS community

5.8.7.1. GBS Appropriate behaviour guidelines

In accordance with the general guidance and the specific principles set out in this policy, appropriate behaviour for members of the GBS community is one which recognises the right to dignity of all individuals, and imposes a duty of respect on them, whereby members of the GBS community are treated with consideration, courtesy and respect, without harassment, or physical or verbal abuse, or actions that can be interpreted as bullying or demeaning of others.

In view of GBS's stated commitment to equality of treatment for all individuals in the school community, all its members are expected to act with tolerance, sensitivity, respect, and impartiality towards others. This is especially so where there may be a variation in the interpretation of acceptable behaviour resulting from different backgrounds and cultures. It particularly applies also where a power imbalance exists. Power imbalances can exist in many forms including seniority, membership of a group and level of knowledge about systems or processes.

GBS takes all allegations of harassment or bullying very seriously. However, every staff member and learner of the school should be aware that where, following an investigation, it is found that a complaint is malicious, frivolous or vexatious, the complainant may face disciplinary action up to and including dismissal in serious cases, particularly in cases where the good name and reputation of another member of the school community has been unjustifiably attacked.

5.8.7.2 Responsibilities of all members of the GBS community

All members of the GBS community have a duty to behave and conduct themselves so as to respect the right of others to dignity, courtesy and respect at all times. All members should refrain from engaging in acts of harassment or bullying and work to deliver a positive environment in which to conduct all school activities.

Every member of the GBS community is responsible for safeguarding his/her own safety and welfare, and that of his/her colleagues who may be affected by his/her actions, or omissions, while at work or on school premises. Therefore each person has a duty not to place the safety, health and welfare of colleagues at risk by engaging in harassment or bullying, and where in a position of authority, to take the appropriate steps to stop bullying or harassment if or when it occurs.

Members of the GBS community should also cooperate by providing any relevant information when an allegation of harassment or bullying is being looked into whether at an informal or formal stage. Any person who believes they are being subjected to harassment or bullying is encouraged and,

indeed expected to report such incidents and to engage in a co-operative manner with any process undertaken with a view to reaching an effective resolution or having the matter fully investigated.

5.8.7.3 Responsibilities of Managing Director and Registrar/Head of School

GBS requires all staff members with management responsibilities, where practicable, to provide and maintain a working environment in which their staff and learners are not exposed to hazards, of either physical or psychological nature. Managers who fail to act on reported incidents of harassment or bullying may be in breach of the GBS appropriate behaviour guidelines as outlined above in Section 5.9. Managers have a responsibility to manage in such a way as to protect the safety, health and welfare of employees. This means accepting responsibility for preventing bullying at work and endeavouring to resolve alleged cases of bullying at work.

All staff with management responsibility will promote the policy and treat complaints seriously and address them promptly, confidentially and impartially in accordance with the informal complaint resolution procedure. The emphasis is on promoting as early and as informal a resolution as is possible.

When a manager has witnessed or has been advised of inappropriate behaviour, appropriate remedial action should be taken as outlined in this policy. There is a responsibility on the manager to manage and facilitate a resolution wherever possible. Managers will ensure that complainants are not victimised for making a complaint in good faith.

5.8.7.4 Where does the Policy apply

This policy applies to all areas of the GBS's operations and academic courses. Any member of the school community who is found to have harassed or bullied may be subject to the appropriate staff or learner disciplinary action and/or other sanctions up to and including dismissal.

Where the conduct complained of is violent or criminal in nature, the Gardaí will be contacted without undue delay. In addition, in the case of staff, an immediate formal complaint should be made to the Registrar and Managing Director. Learners should make an immediate formal complaint to the Academic Co-ordinator or Registrar.

5.8.8 Contact people

For any member of the GBS community who feels that they have experienced harassment, bullying or discriminatory behaviours there can be a heightened sense of isolation. In order to ensure that staff and students can determine the appropriate way to deal with the issue there are a number of contact people than can be approached to support the individual while they address the issue.

Contact persons for staff include:

- Head of Teaching & Learning
- Registrar/Head of School
- Managing Director
- CEO

Contact person for learners include:

- Academic Co-ordinator
- Registrar/Head of School

5.8.8.1 Policy Advisors

The policy advisors are GBS staff members who are appointed by the Managing Director to help to support staff as part of the informal process under the remit of this policy. This can be done by

- listening to your experiences
- providing support to help resolve the problem
- giving information and support on the processes covered by this policy and also other supports available within the school

5.8.9 Implementation of Policy to Promote Respect and Dignity

The policy will be communicated to all members of the GBS community. The policy will be available on the GBS learning and teaching platform 'Moodle', 'Teacher Handbook, and 'Learner Guide: Learner Code of Conduct and Discipline' and will be communicated to and distributed to new employees in the GBS's induction process and in training courses. It will be communicated to incoming learners during the induction process.

The school places particular responsibility upon Registrar/Heads of School, as well as managers to make every reasonable effort to eliminate harassment or bullying of staff and learners within their areas. They must ensure that they and those reporting to them are aware that harassment or bullying are regarded as being completely unacceptable forms of behaviour and will not be tolerated in the GBS community. Definitions of harassment, sexual harassment or bullying behaviours are detailed in section 1.2 of this Policy.

The school is committed to monitoring reported incidents of all forms of harassment or bullying in the workplace. This will be carried out through the Registrar. To allow the Registrar to report on an annual anonymised basis, any incident of harassment or bullying should be recorded and returned to the Managing Director.

This policy will be reviewed on a regular basis for effectiveness in its implementation and operation. This will be done in line with changes in statute law, relevant case law and other developments, and in line with the school's experience.

The Registrar will present an annual report on the operation of the policy to the Managing Director and CEO.

5.8.10 The process for dealing with incidents of harassment or bullying

5.8.10.1 Confidentiality

Confidentiality will be maintained throughout any investigation to the greatest extent possible, consistent with the requirements of a fair investigation. All individuals involved in the informal or formal complaints procedures (especially policy advisors) are expected to maintain the utmost confidentiality on the subject. However, GBS will of course be obliged to disclose the details of any complaint to such persons and to such extent as is necessary to properly and fairly investigate the complaint.

5.8.11 Informal, GBS Resolution Process

5.8.11.1 STEP 1 - Determining whether harassment or bullying has taken place

In order to help staff or learners determine whether they are being harassed or bullied it is recommended that they complete a self-audit check list (p.107). If after having completed the self-audit and sought advice the staff member or learner feel they have a valid complaint, it is recommended that they should proceed to step 2 of the informal resolution process. As part of the informal process it is recommended that any staff member or learner should seek advice and guidance from one of the contact people.

What are the facts?

Harassment or bullying can sometimes be difficult to prove. It is therefore important for a complainant to keep a careful record of:

- when and where incidents occurred
- what was said/done
- how it made them feel
- who was involved
- potential witnesses
- names/details of people who will support their claims

Communication Breakdown:

The issue may result from a communication breakdown, an interpersonal dispute, or a lack of clarity around roles in teams. If this is the situation, by talking to the other party about the difficulties that are being experienced, a resolution may be possible. It is important to stick to facts. In this situation staff or learners should talk about the impact that events have had on them. This can be illustrated by examples. It is important that any meeting should be open and a two-way frank discussion. The meeting should be held in a private space away from the work or study environment.

It is important to remember that a one off incident does not constitute bullying and any bullying behaviour must be of a repeated nature in order to be investigated.

5.8.11.2 STEP 2 - Request that the behaviour stop, Approach the person directly

Unless a staff member or learner feels that they are unable to, or where they feel it may be dangerous, uncomfortable or stressful for them to do so, they should initially discuss the matter with the person/people concerned and request that the unwanted behaviour stop. The complainant should raise the issue as soon as possible after it has happened. Raising the issue with the individual provides them with an opportunity to desist from the complained of behaviour, which they may not even be aware of.

Once the complainant has made the person engaging in the complained of behaviour aware of its effect, it is frequently the case that the latter desists from it and appropriate relations are restored

between the parties. However, if the informal process is unsuccessful or deemed inappropriate the complainant may decide to go to step 3 –facilitated resolution or to step 4 – formal resolution process.

5.8.11.3 STEP 3 - Attempt a resolution through Facilitation

Should the direct approach either not have the desired effect or not be possible, the complainant should raise the matter with either their line manager or the line manager of the person engaging in the unwanted behaviour. In the case of learners this should be done with their programme leader or Academic Co-ordinator. In the event that the person who is allegedly harassing or bullying is the line manager or programme chair another person in authority within the GBS should be contacted (i.e. Academic Co-ordinator, Registrar, Academic Administrator)

In situations where a solution has not been reached following the initial process the option of a facilitated meeting should be put forward. Where this involves a staff member, the Registrar may facilitate the meeting. Where the claimant is a learner, the Academic Co-ordinator may facilitate a meeting.

Through facilitation a solution may be found at which point the issue will be deemed to have been resolved. The line manager should monitor the work environment to ensure that the unwanted behaviour has ceased. Where facilitation does not provide a solution the complainant may decide to proceed to step 4, the formal complaint procedure.

5.8.11.4 Step 4 - Formal GBS Resolution Process - Staff

In the event that the informal processes have not proved successful in restoring a working relationship the complainant may wish to lodge a formal complaint.

Formal Resolution procedure for complaints against a member of staff

- Write to the Managing Director with full details of the complaint and copies of all or any relevant notes of the alleged behaviours. Although a complainant may decide to access the formal resolution process at any time where an allegation of harassment or bullying is made, where an Informal Resolution has not been attempted, the Managing Director may decide to explore other options with the complainant prior to proceeding to the investigation stage.

- On receipt of the complaint the Managing Director will provide details of the complaint to the person named by the complainant, who for these purposes will be called the respondent. The respondent should return a written response to the allegations within 5 working days.
- The Managing Director and CEO set up an investigation panel.
- The names of the investigation panel will be provided to both parties. Either party may raise an objection to a member of the panel based on either conflict of interest or potential for lack of impartiality. Any objection will be assessed by the CEO whose decision will be final.
- The Investigation panel meet separately with both parties and provide them with the opportunity to outline the issues as they relate to the behaviours complained of in the complainant's written complaint. The panel will also meet with any witnesses who can provide corroborative evidence. The aim of the investigation panel should be to complete this process within 10 working days.
- Either party may be accompanied during these meetings.
- Once the investigation is underway both parties are expected to make themselves available in order to deal with the issue as expediently as possible. This is in recognition of the fact that a protracted process can cause additional stress and anxiety to both parties.
- If the investigation panel consider that it is necessary to do so it may in exceptional circumstances convene a joint meeting with the complainant and the respondent with a view to assisting in the determination of any facts in issue or dispute between the parties.
- The Investigation panel submit findings to the CEO within 5 working days of completing their investigation.
- Both parties are provided with a written report
- Where any disciplinary or other action needs to be taken as a result of the findings of the investigation they will be processed through the HR policies and procedures.
- The panel should endeavour to complete the investigation within 30 working days; however, this may be reviewed by the panel in light of availability of witnesses or scheduling difficulties. Should the complainant decide to withdraw the complaint it will not be possible to reactivate it or the resolution process for the same issue.

Should the complainant withdraw from the process, the respondent or the investigating committee may request that the investigation continue to provide a finding in relation to the complaint. This is to ensure that any member of the GBS community, accused of behaviour which breaches the terms of the policy to promote respect and dignity, has the opportunity to answer the charge and receive a formal determination from the investigating committee.

Potential Outcomes of a Formal Complaint Process

The investigation panel can only make recommendations with respect to the validity of the claim put forward by the complainant. The panel may find in its view:

- Harassment or bullying did take place
- Harassment or bullying did not take place
- The behaviour of one or other or both parties contributed to the breakdown in working relations
- No harassment or bullying was evident and the claim appears to be malicious or vexatious

In a case where harassment or bullying is found, or the claim is vexatious the existing GBS disciplinary processes will be used to address the issue. Depending on the seriousness of the behaviour the school may decide to use any stage of these disciplinary processes.

5.8.12 Formal GBS Resolution Process - Learner

The process outlined in this document will apply in all cases where learners have a complaint concerning a member of GBS staff. Where issues arise between learners, resolution can be attempted by mediation through the Academic Co-ordinator.

In the event that a member of GBS staff has a complaint concerning a learner, the issue should be raised with the Registrar. This may result in a formal submission to the Learner Disciplinary Committee.

5.8.12.1 Support for Complainants of alleged Harassment or Bullying

The school views violations of this policy on respect and dignity in the workplace very seriously. The policy has been formulated in the spirit of promoting equality and preventing behaviour which is damaging to an individual's well-being and his or her ability to work effectively.

Where a member of the GBS community is found to have been subjected to behaviour which is harassing and/or sexual harassing and/or bullying in nature, counselling support will be made available. Such support will be available to staff through the Managing Director, and to learners through the Student Counselling Service.

5.8.12.2 Advice if you are accused of bullying or harassment

A staff member accused of harassment or bullying may seek support or advice from GBS support areas such as Registrar, Managing Director, Director of Studies (Equality Officer).

Learners may wish to consult the Equality Office. As part of the process of dealing with the accusation, it is recommended that the person accused complete the self-audit checklist for harassment or bullying which assists to reflect on behaviour, define the problem, and determine if the behaviours fall into the category of workplace harassment or bullying.

Where a complaint has reached the formal investigation stage, a person accused of harassment or bullying has the opportunity to respond to any allegation where this is relevant and at the appropriate stage of the procedure. They must be given a clear written account of the allegation so as to be in a position to respond to the allegation and to state their case.

5.8.13 Right to Appeal

In the event that either party can demonstrate that the investigation process was flawed or compromised, then they may appeal and/or request the Managing Director to appoint an external adjudicator. On hearing the appeal, the nominated appeals hearing officer or external adjudicator will report to the Managing Director, who will then decide whether to uphold the appeal.

5.8.14 Remedies available under the Employment Equality Act, 1998 & 2004

Using the Complaints Procedure will not affect the complainant's right to make a complaint under the Employment Equality Acts, 1998 & 2004 or the Equal Status Acts 2000 & 2004.

5.8.15 Disciplinary Action and Penalties

Penalties may be applied in accordance with the disciplinary procedure set out in the GBS 'Learners Code of Discipline' and/or the employee's contract of employment.



GALWAY BUSINESS SCHOOL

FOUR STEP RESOLUTION PROCESS FOR BREACH OF RESPECT & DIGNITY POLICY

Outline of resolution process

This resolution process focuses on trying to re-establish a good working or study environment for any member of the GBS community following an experience of harassment or bullying. The resolution process comprises of four steps listed below. It is recommended that, where possible, the informal part of the process steps one to three, be used. Note: For cases of bullying between learners all aspects of the informal resolution process should be attempted through the existing student structures provided by the Academic Co-ordinator.

Step One

Assess whether harassment or bullying has happened. Use the self-audit checklist to help with this process. Should you prefer to discuss the options contact a policy advisor or the Academic Co-ordinator for more information.

Step Two:

Approach the individual directly and request them to immediately stop the offending behaviour. If it is not possible to approach the individual and the informal process is being followed bring the matter to the attention of the individuals' line manager and request an informal resolution.

Step Three:

Facilitated or mediated solution attempted. Where possible a locally facilitated solution should be attempted.

Step Four:

In the event that an informal resolution process has failed or a member of the GBS community wishes to proceed to a formal investigation of a complaint, the formal resolution investigation process will be initiated.

While it is not necessary to follow the steps sequentially it is recommended that all steps should be attempted prior to entering a formal process. A complainant's decision, to bypass the informal stages, for whatever reason, should not reflect negatively on his or her complaint in the formal stages.

The guiding principle of the entire process will be one of fairness to each party. When it is necessary to proceed to a formal complaint, it should be made at the earliest possible date in writing to the relevant GBS designated office holder

- Where a member of staff is involved contact the Managing Director
- Where a learner is involved contact the Registrar/Head of School
- Where a visitor to the campus is involved contact the Managing Director

Incidents involving Senior Management

In the event that any member of senior management is the subject of the complaint the GBS Managing Director should be contacted directly. Where the Managing Director is the subject of complaint formal complaints should be made directly to the CEO.



GALWAY BUSINESS SCHOOL

SELF-AUDIT: CHECKLIST FOR COMPLAINANT

Experiences of harassment or bullying can be difficult to define and evidence may differ between people and work situations, and can arouse a range of emotional responses. It is therefore recommended to complete this checklist which is designed to assist you to reflect upon your situation, define the problem, determine if your experience falls into the category of harassment, sexual harassment or bullying, and identify relevant school policies and courses of action available to you. The checklist is a tool for your personal reflection and is not recorded or reviewed by any other person unless you choose to disclose it. In considering options to resolve your current situation you should consider the following, or discuss these points with an appropriate contact person or manager.

- Does the behaviour I am concerned about meet the definition of harassment/bullying in the GBS policy document?
- What is the impact of the behaviour on me?
- Would a reasonable person consider the behaviour to be offensive, humiliating, intimidating or threatening?
- Has the behaviour I am concerned about been repeated?
- Was the behaviour I am concerned about part of the normal disciplinary or performance feedback procedure at work? Was the feedback given in an appropriate and respectful manner?
- Have I read the GBS Policy as a basis for considering my options?
- If I do not believe my experience can be defined as bullying or harassment could the behaviour be seen as workplace conflict and if so, have I explored the options available to me for resolution of these issues?
- Can I resolve the situation or stop the behaviour by talking to the person directly?
- Have I informed the other person that the behaviour is unacceptable in terms of the GBS's policies and procedures and must stop?
- If I am unable to discuss the matter directly with the person, could I discuss the matter with his or her supervisor/manager?
- Were there witnesses to the behaviour?
- Have I kept a diary about the behaviour including times, places, names of witnesses?
- What are the possible consequences, if any, of making a complaint?
- What do I want to achieve from making a complaint?
- How do I cope with the behaviour if I decide not to make a complaint?
- Have I discussed the situation and options with someone I trust?



GALWAY BUSINESS SCHOOL

SELF-AUDIT: CHECKLIST FOR A RESPONDENTS (person accused of bullying)

Experiences of harassment or bullying can be difficult to define and evidence, may differ between people and work situations, and can arouse a range of emotional responses. For a person accused of harassment or bullying this can be as stressful as for the complainant. It is therefore recommended to complete this checklist which is designed to assist you to reflect upon your situation, define the problem, and consider whether any of your behaviours might be perceived as bullying or harassment. The checklist is a tool for your personal reflection and is not recorded or reviewed by any other person unless you choose to disclose it. In considering options to resolve your current situation you should consider the following, or discuss these points with an appropriate contact person or manager.

- Have I read the school's policy as a basis for defining harassment, sexual harassment and/or bullying and do I understand the school's policy and procedures?
- Could a reasonable person consider any of my behaviour to be offensive, humiliating, intimidating or threatening?
- Is it possible that the tone or volume of my voice or my body language could ever be perceived as offensive humiliating or threatening?
- Could my communication or management style ever be perceived as offensive, humiliating intimidating or threatening by someone else?
- When I feel angry, stressed or anxious, could my feelings be exhibited in a way that others might find offensive, humiliating, intimidating or threatening?
- Could the way in which I provide feedback on people's work, or monitor their performance, ever be perceived as overly critical or excessive by someone else?
- Have I excluded a particular staff member or learner from essential information or meetings?
- Could targets or deadlines I have set be perceived by others as impossible?
- Having read the policy could my behaviour be perceived as fitting with the definition of bullying or harassment?
- Is it possible that my behaviour towards the complainant has been repeated?
- Do I have any records of previous interactions I have had with the complainant?
- Was the behaviour that has been perceived as harassment or bullying part of the normal disciplinary or performance feedback procedure?
- Have I discussed the situation and options with someone I trust?

5.9 Grievance Procedure

Where an employee believes any part of their Contract of Employment and/or Employee Handbook or the central pillars of The Code of Conduct has been breached in any way they are entitled to avail of the Grievance Procedure. The Grievance Procedure ensures their interests as well as the Colleges interests and those of the other staff, learners and stakeholders.

GBS has both an informal and formal Grievance Procedure to ensure staff can raise a grievance as regards any conduct, decision or action taken by the College or any person associated.

5.9.1 Grievance Procedure (Informal)

The Informal Grievance Procedure is as follows:

- Staff are encouraged to approach their line manager in the first instance to arrange a meeting to discuss and attempt to resolve any issues in a timely manner.
- Should the grievance be with the member of staff's line manager, they are entitled to make an informal complaint to either the Academic Co-ordinator or Registrar in an attempt to resolve any issues in a timely manner.
- Should a member of staff be dissatisfied with the process or outcomes of the informal grievance procedure, they may proceed to the formal grievance procedure.
- Should a member of staff not wish to avail of the informal grievance procedure, they can proceed straight to the formal grievance procedure

5.9.2 Grievance Procedure (Formal)

The formal Grievance Procedure is as follows:

- The staff member will be required to set their formal complaint out in writing to their line manager (or other member of management if the complaint pertains to the employee's line manager)
- The member of staff will be invited to a meeting where the issue will be discussed, and a reasonable timeframe set out for resolution. The staff member is entitled to be accompanied by a colleague at this meeting. The meeting will be minuted.

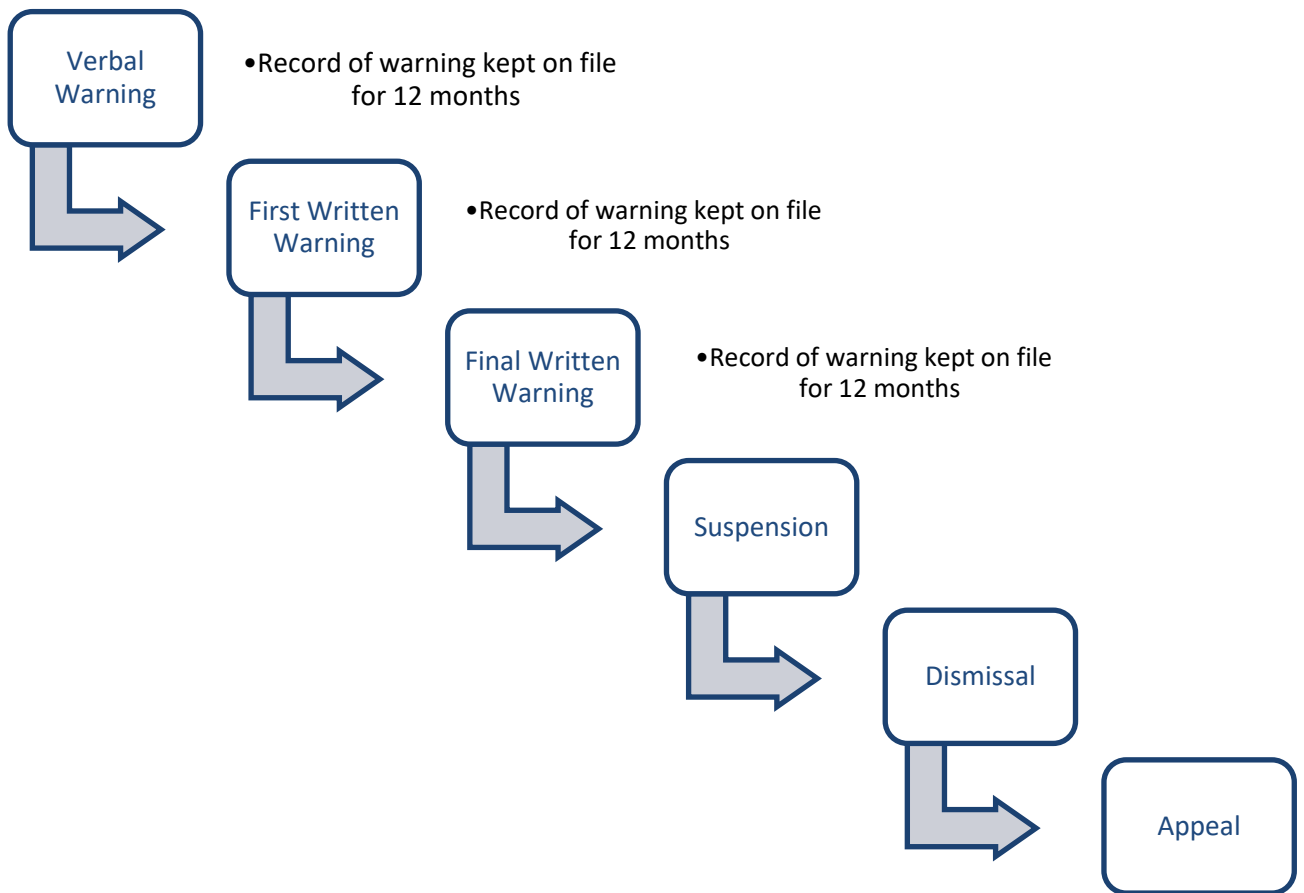
- An investigation will take place by management. This may entail meeting with other staff, gathering of documentation etc.
- A meeting will be held where the staff member (and an optional accompanying colleague) will be issued with an outcome. The outcome can be appealed to the Managing Director if necessary and if the employee is still dissatisfied, they can then choose to seek recourse through external bodies.

5.10 Disciplinary Process

Ordinarily a staff member will move sequentially through the Disciplinary Process illustrated in figure 5.10. Failure to improve on a previous stage within the period outlined, will result in the next stage of the process. While it is most likely that the stages of the process will happen sequentially, there may be instances that warrant a stage(s) to be skipped. This will typically be in the event of the staff member committing an act that could be defined as gross misconduct, or when there have been additional problems added to the current ones under review. Gross misconduct is anything that:

- Can be described as a serious dereliction of duty
- Causes intentional harm to someone else
- Intentionally brings harm to the college's name and/or reputation
- Causes intentional damage to the College's facilities
- Deliberately misrepresents the reality of the college's operations

Figure 5.10: Disciplinary Process



Should a staff member feel that they have been unfairly disciplined, they have the right to appeal the discipline decision. The appeals process is as follows:

- Any appeal should state the grounds on which the appeal is being made and include all previously involved decision makers.
- Should there be grounds for an appeal, GBS will arrange for an appeal hearing to be facilitated. This hearing will be attended by the Managing Director and a senior manager, the appellant and a person invited, at the discretion of the appellant.
- The hearing will note the argument by the appellant and will consider the documented reasons for the disciplinary action.

- The appeal committee will consist of 3 members of GBS senior management. They will determine a decision that must be agreed by at least a 2:1 ratio.

The possible outcomes are:

- To uphold the original disciplinary decision
- To overturn the original disciplinary decision
- To amend the original disciplinary decision

Possible Appeal Decisions		
Uphold	Overturn	Amend
<p>The appellant will be notified of this in writing and informed of the reasons for upholding the decision.</p>	<p>The appellant will be notified of this and informed as to the reasons for this decision.</p> <p>Any note of the disciplinary action will also be removed from the staff member’s file.</p> <p>Should the overturned disciplinary decision have been a dismissal, the staff member will be offered their original job back.</p> <p>Should they decline this, the staff member and the College will agree a compensatory outcome.</p>	<p>The appellant will be notified of this in writing and informed of the reasons for this decision</p> <p>The options for amendment available to the college are:</p> <ul style="list-style-type: none"> • A different disciplinary action at a higher or lower stage of the disciplinary procedure • An informal rather than formal disciplinary action taken