

RHA Bullying and Harassment Policy

April 2024

1. Policy Statement

The RHA is committed to providing an environment for work, presentation and study which upholds the dignity and respect of each individual and which supports every individual's right to work in and experience an environment which is free from any form of harassment, intimidation or bullying. The Academy recognises the right of every individual to such an environment and requires all members of the Academy's community to recognise their responsibilities in this regard.

2. Purpose

The purpose of this policy is to provide a statement of policy and guidance on harassment (including sexual harassment), intimidation and bullying. Employees and users of the Academy's programmes have a right to be treated with dignity and respect while attending for work, exhibitions, classes or lectures, or any associated activities at the Academy. Integrity is a value of the Academy that is manifested by behaving in an open, honest and consistent way and by demonstrating respect and mutual regard in our dealings with each other. Living this value will help foster an atmosphere in which bullying, intimidation and harassment are unlikely to occur. Harassment, intimidation or bullying will not be tolerated and the Academy will take all appropriate measures to ensure the Academy's environment is not tainted by any such behaviour.

3. Scope

This policy applies to the staff, students, artists in studios, in exhibitions, and visitors to the Academy, in all locations and situations. The policy applies to all directly work related meetings, gatherings and events (including social events) organised at the Academy

4. Artistic Freedom

It is the intention of the Academy that this policy should not undermine artistic freedom. The Academy seeks to support freedom of expression and intellectual enquiry for all members of the Academy's community and to ensure that they are exercised in such a way as they do not interfere with the rights of others, or breach the laws of the State.



5.1 Bullying – Definition.

Bullying has been defined as “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, or during study, or visiting exhibitions which could reasonably be regarded as undermining the individual’s right to dignity at work” (or at the place of work – i.e. the Academy). An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, will not be considered to be bullying (owing to any lack of repetition).

Examples of bullying include, but are not limited, to the following:

- * Open aggression, threats, shouting abuse or the use of obscenities to another.
- * Humiliation, sneering or ridicule
- * Unreasonable scrutiny/monitoring or unreasonable demands concerning work *
- * Taking credit for the work of another
- * Withholding work related information necessary for another to complete their work
- * Repeatedly manipulating a person’s job content and targets
- * Undermining behaviour
- * Spreading malicious rumours
- * Being treated less favourably than colleagues
- * Menacing behaviour
- * Intimidation
- * Blaming a colleague for things beyond their control.

Bullying at work does not include reasonable and essential discipline arising from the management of the performance of an employee at work or any actions taken which can be justified with regard to the health, safety and welfare of employees. For example, an employee whose performance is signalled as being at a level below the required standards, may feel threatened or feel their work is subject to a heightened level of monitoring but this is not usually bullying.



5.2 Harassment -Definition

Harassment is defined as any act or conduct which is unwanted and unwelcome and which could, reasonably, be regarded as offensive, humiliating or intimidating on any of the following discriminatory grounds, as outlined in Equality legislation:

- * Gender
- * Age
- * Disability
- * Race
- * Family Status
- * Civil Status
- * Membership of the Traveller Community
- * Sexual Orientation
- * Religion
- * Transgender
- * Socio-economic status

Harassment shall not be deemed to have occurred where any claim is made of such behaviour which is not based on any of the grounds above.

Examples of harassment include, but are not limited to, the following:

- * Verbal Harassment – jokes, comments, ridicule or songs
- * Written Harassment – including faxes, text messages, emails or notices
- * Physical Harassment – jostling, shoving or any form of assault.
- * Intimidatory Harassment – gestures, posturing or threatening poses
- * Isolation or exclusion from work related social activities
- * Treating people less favourably or subjecting them to ridicule on any of the above grounds
- * Demeaning and derogatory comments/remarks, name-calling
- * Isolation, non-cooperation or exclusion in the workplace
- * Unwelcome comments on appearance
- * Unwarranted criticism on work performance



- * Undermining the dignity of a colleague in the workplace
- * Production, display or circulation of offensive material

5.3 Sexual Harassment -Definition

Sexual harassment is defined as “unwanted and unwelcome conduct which could reasonably be regarded as sexually, or otherwise on the gender ground, offensive, humiliating or intimidating”. Sexual harassment undermines the dignity of the recipient and creates an intimidating, hostile, degrading and offensive environment for the person. A single incident may constitute sexual harassment and behaviour does not have to be of a repeated nature for a claim of sexual harassment to be upheld.

Examples of sexual harassment include, but are not limited to, the following:

- * Unwanted sexual contact or attention
- * Sexual advances, propositions or pressure for sexual activity.
- * Continued suggestions for social activity/interaction outside of the workplace where it has been made clear by the recipient the suggestions are unwelcome.
- * Unwanted or offensive flirtations
- * Groping, Patting or any unnecessary/unwelcome touching
- * Suggestive remarks, innuendo or lewd comments
- * Inappropriate display of pornographic or sexually suggestive pictures, objects or written materials – including emails, faxes and text messages
- * Innuendo or jokes about a person’s sexual orientation

6. Intent

The intention of the perpetrator of bullying, harassment or sexual harassment is irrelevant. The fact that the perpetrator did not intend to bully, harass or sexually harass another individual is not relevant and will not act as a defence. It is the impact or effect on the recipient and how such behaviour has made him/her feel which is critical in any assessment of such matters.



7. Complaints Procedure

As part of its commitment to providing an environment which is free of harassment or bullying, the following procedures has been implemented to ensure any matters are dealt with appropriately and in compliance with best practice standards. Should any person feel they are being subjected to bullying or harassment they may choose, in the first instance, to seek to resolve matters through an informal approach as a means to achieving a swift resolution with minimum conflict.

7.1 Informal Procedure

If you feel you are being bullied or harassed you should approach the other party and endeavour to make it clear to them, that their actions/behaviour offends you and you wish it to cease.

If such behaviour is having an adverse effect on your work or study or experience, point this out to them and ask for the behaviour to cease. Keep a record of incidents so you can be specific to them about the behaviour which you find offensive. It may prove helpful to be specific about alleged behaviour or actions that you find to be offensive.

If speaking with the person fails to resolve the issue, and the behaviour continues, then there are further options below to have the issue resolved. If you do not feel comfortable approaching the other party in this way, then you can seek help and advice, on a strictly confidential basis, from a designated contact person within the Academy in this case the Director and or the Keeper. The role of the designated contact persons is to provide advice and assistance on this policy and the procedures for dealing with any claims of bullying and harassment; not to make any judgements in relation to same.

The Director and/or the Keeper can contact the other party on their behalf to seek to resolve matters through an informal intervention. In such situations, the approach should be by way of a confidential, non-confrontational discussion with the other party with a view to resolving the issue on an informal basis.

7.2 Mediation

Mediation as a means to resolve matters at an informal level: Mediation may be offered to both parties as a potential solution to the issue(s). Mediation is an assisted process to help both parties to come to an understanding and agreement as a means to resolving issues between them. The objective is to assist the parties themselves to resolve their issues in a



mutually agreeable, amicable way with the help of a neutral third party, a Mediator, to be agreed by both parties. Participation in a mediation process is entirely voluntary and mediation should not proceed in the absence of agreed, voluntary participation by both parties. All information exchanged during mediation is confidential to the parties. If a successful agreement is reached through a mediation process, then the Academy will only be advised that matters have been resolved but will usually not be advised of the precise nature of the agreement made in order to preserve the confidentiality of the process.

The role of the Mediator is:

- * To manage the mediation process
- * Explain the role of the Mediator
- * Explain the process to both parties and ensure there is common understanding of the mediation process
- * Establish the ground rules
- * Gather information and identify issues where there may be disagreement
- * Facilitate the process of reaching understanding and agreement

7.3 Formal Procedure

If a resolution cannot be achieved through the informal process, or through mediation, or if either party declines to participate in mediation, then the matter can be raised through the formal process. Choosing not to use the informal procedures or to participate in mediation will not reflect negatively on either party. The Academy also recognises, that in certain situations, depending on the nature of the complaint made, the utilisation of informal procedures to resolve the matter may be inappropriate and the matter will be more appropriately handled through the formal procedures

7.3.1 Formal Complaint

A formal complaint must be submitted in writing. Written complaints should contain name(s) of the person(s) against whom the complaint is being made along with details of the alleged acts of bullying or harassment. Guidance in making a formal written complaint can be sought from a designated contact person. The written complaint should be forwarded to the Director's office at RHA, 15 Ely Place, Dublin 2. All complaints should be



clearly marked “Complaint – Confidential”. If the complaint relates to the Director, then it should not be directly addressed to him/her and should be referred the Keeper instead.

In accordance with natural justice, the person, against whom the complaint is made, will be given a copy of the written formal complaint, will be advised of their right to representation and will be provided with an opportunity to comment/rebut the allegations made in writing. Depending on the substance of the complaint (e.g. sexual harassment), the Academy reserves the right to ask one of the parties to remain at home for the duration of any investigation. Nothing should be inferred by any such decision of the Academy should this course of action be chosen for the purposes of completing the investigation promptly and to protect both parties’ rights and interests during same. The Academy will appoint an independent, impartial investigator to commence a formal investigation which will be carried out without any undue delay. The Investigator will meet, separately, with both the complainant and the person against whom the complaint is made, in the first instance. The Investigator will also meet with any witnesses or relevant person(s), on an individual basis, to secure further information/evidence to allow an informed decision on the complaint. Individuals named in the process may be accompanied by a staff colleague if they so desire. All participants to any investigation will be reminded of the need to preserve confidentiality of the investigative process. Any breach of confidentiality will be viewed seriously by the Academy. Both the complainant and the person against whom the complaint is made will be made aware of the outcome of the investigation, once the Investigator has submitted a copy of his/her investigation report to the Director of the Academy. A copy of the report will be provided to both parties and either party has an option to appeal against the Investigator’s decision by submitting such appeal, in writing, within 5 working days of receiving a copy of the report. Any appeal made should clearly state the grounds for the appeal in advance and should be referred to the Director, or Keeper of the Academy.

7.4 Victimisation

All reasonable steps will be taken by the Academy to protect a member of staff or student or visitor who files a complaint or assists in an investigation from intimidation, victimisation or harassment. Any retaliation against any person making a complaint or assisting in an investigation will be treated seriously by the Academy and may lead to disciplinary action.



8. Post Investigation

Where a complaint is upheld, following appeal, if an appeal is made, then the Academy reserves the right to conduct a disciplinary hearing. A decision will be made on the appropriateness of issuing a disciplinary sanction following the hearing and the level of sanction to apply. Depending on the gravity of the issue/complaint, a disciplinary decision, may be deemed appropriate. If, however, following investigation, the evidence shows the complaint was malicious or vexatious, appropriate disciplinary action may be taken against the complainant.

9. Responsibilities

Management Responsibility:

Management has a particular responsibility to ensure that all employees are free to perform their work free from intimidation, harassment or bullying. Immediate action should be taken should any breach of this policy be reported or observed.

Individual Responsibility:

Each and every one of us has an individual responsibility to ensure that nothing in our attitude, behaviour or actions, causes offence to a colleague or causes them to feel threatened or humiliated.

Consider the following:

Would I like this said or done to myself or to a member of my family?

Is what I'm saying/doing likely to cause offence?

Is what I'm saying/doing in potential breach of this policy?

10. Training

Both the Academy and individual(s) charged with handling complaints will be required to undertake all necessary training courses for their role and for the efficient functioning of this policy.

11. Information

This policy will be made available on the Academy website.



12. The Law and Individual Rights

This policy is underpinned by national legislation including:

Employment Equality Acts, 1998 - 2010 Page 9 of 9

Equal Status Acts, 2000 - 2010

Prohibition of Incitement to Hatred Act, 1998

Universities Act, 1997

Health, Safety and Welfare at Work Act 2005

This policy aims to ensure that any issues of bullying and harassment can be resolved within the Academy. Nothing in this policy, however, affects an individual's statutory rights to pursue a complaint directly to the Workplace Relations Commission. Should any person prefer to pursue this course of action then advise on how to pursue a complaint, and the timelines for same, can be obtained from the Workplace Relations Commission, Haddington Road, Dublin 4.

13. Review

This Policy will be regularly reviewed and appropriate revision(s) made where deemed necessary.

