

Staff Anti-Bullying Policy

Policy Statement

NUI, Galway encourages the promotion of a working, learning and social environment where all staff work positively and harmoniously together. The University believes that the work environment should give all employees the freedom to do their work without having to suffer bullying or intimidation from any fellow employee. Bullying is not a trivial matter and can manifest itself on a regular basis in all shapes and forms.

It is the responsibility of every individual to ensure that bullying or intimidation does not occur at any level within the University. All employees should be aware that bullying, which affects the dignity of people at work, is unacceptable and can be grounds for disciplinary action.

NUI Galway provides a mediation service to enable staff resolve interpersonal disputes at the earliest opportunity in an informal manner. For further information please consult the University's Mediation Policy which is available on the Human Resources website.

What is Bullying

Bullying at work 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, which could reasonably be regarded as undermining the individual's right to dignity at work”*².

The effects of bullying behaviour on the recipient cause a range of negative physical and emotional symptoms and problems. Bullying is a major cause of stress and can lead to problems with health and in a broader context can undermine the fabric of a good healthy working environment.

It is also important to note that all forms of bullying and intimidation must be repeated sufficiently often so that it can be said to have formed a behaviour pattern and are not isolated instances, which have occurred exceptionally.

Examples of Bullying (not an exhaustive list)

- Aggressive behaviour by one member of staff towards another.
- Repeated verbal harassment
- Personal insults and name-calling
- Persistent criticism
- Persistent picking on a person for the butt of jokes, horseplay, uncomplimentary remarks or other behaviour likely to cause offence
- The maligning or ridiculing of a person directly or to others
- Unfair delegation of duties and responsibilities
- Refusal to communicate in normal collegiate way

Further examples are available on the Health & Safety Authority's Website. www.hsa.ie

The most serious effects of bullying can be fear, anxiety and depression. To these may be added severe loss of confidence and low self-esteem. Bullying, like stress generally, has a detrimental effect on the organisation as a whole because people working in a climate of fear and resentment do not give of their best. The effects on the organisation as a whole can include:

- Increased absenteeism
- Reduced productivity
- Reduced efficiency
- Low motivation
- Hasty decision-making
- Poor industrial relations

² Report of the Task Force on the prevention of workplace bullying, 2001. Also used in the 2005 Report of the Expert Advisory Group on Workplace Bullying and in the Surveys conducted by the ESRI to determine the incidence of workplace bullying.

What to do if you consider yourself to be the victim of Bullying?

Employees who feel they are being bullied have two options available to them. They can choose either the Formal or Informal option. The Anti Bullying Policy covers both of these options. The procedure to be followed is outlined clearly below.

Employees who wish to make a complaint (Complainant) of bullying under the Anti Bullying procedure should be aware that once NUI Galway management (i.e. the Human Resources Office, Heads of Departments/Units or Sections, Supervisors etc.) has been notified of a complaint either orally or in writing it is then considered to be in the Formal procedure. The University will immediately instigate the formal process to ensure that the rights of both the complainant and the alleged perpetrator(s) are safeguarded.

Where can I get advice?

Advice on the invocation of the procedure may be obtained from any source of the employee's liking. The following are some examples of where such advice is available:

- Employee Assistance Programme.
- Any member of the Human Resources Office.
- Trade Union.
- Colleague.

Advice on the details of their own particular issue, in advance of notifying the University, may be obtained from the following sources:

- Employee Assistance Programme,
- Trade Union
- A source of their choice not within NUI Galway.

This does not preclude staff approaching NUI Galway Colleagues who are their own personal friends if they so wish. In these circumstances both friends must agree before discussing any details of the allegation that the entire discussion and its contents are completely confidential to both of them. They must also agree that the advisor is not acting as an employee of NUI Galway but rather as a personal friend. Where both parties do not agree to these conditions at the outset, the details of the case should not be discussed at all. If the details are discussed in the absence of such an agreement then the person who hears the complaint is obliged to bring the case to the attention of the Director of Human Resources¹.

Where the details of a complaint are brought to the attention of NUI Galway management (i.e. the Human Resources Office, Heads of Departments/Units or Sections, Supervisors etc.), either orally or in writing, it will automatically be processed through the formal procedure. This is to ensure that NUI Galway exercises its duty of care to all of its employees.

Complaints Procedure

Informal Procedure

Employees who believe they are being bullied and wish to attempt to resolve it informally should explain the following clearly to the alleged perpetrator(s):

- Details of the behaviour in question.
- The fact that it is unwelcome and offensive to them.
- The harmful effects it is having on them.
- That it is contrary to university policy.

It may be the case that the alleged perpetrator(s) does not realise that they are perceived to be behaving in a manner, which is affecting their work colleague.

Where employees find it difficult to communicate directly with the perpetrator(s), they should be accompanied by a third party, for example a friend, colleague, trade union representative, or a counsellor. This person's role will be to provide moral support to the complainant while they are making their issues known to the alleged perpetrator(s). It is not their role to make the complaint on behalf of the complainant; however where it is evident that the complainant is having difficulty in presenting their issues the person accompanying them will be free to assist in the presentation. The alleged perpetrator(s) should be made aware at the time the meeting is being arranged that the staff member will be accompanied at this meeting.

The alleged perpetrator(s) has the right to also be accompanied by a third party, for example a friend, colleague, trade union representative, or a counsellor. The complainant should be made aware of this again at the time the meeting is being arranged.

If at this point the alleged perpetrator(s) agrees a solution with the complainant the remedial actions should be clearly identified and agreed by both parties. This will allow both parties to monitor the situation going forward. Both parties could agree notes in order to remove ambiguity later. The objective of the informal procedure is to allow both parties agree a framework where they will be able to continue to work together in a professional manner.

If this fails to resolve the issue or if either party wishes to have the matter dealt with formally they are entitled to refer the issue to the Director of Human Resources¹ for processing through the formal procedure.

If at any point in the informal procedure both parties agree to enter the University Mediation Process they are free to do so. They should contact the Mediation service directly in accordance with the Mediation Policy. Should this fail they are free to use the informal or formal process should they so wish.

Formal Procedure

Employees who believe they are being bullied and wish to have the complaint resolved using the formal procedure are required to do the following:

- Outline the details of their complaint in writing, to the Director of Human Resources¹ giving as much detail as possible. Ideally this should include times, dates and events that have occurred if possible.
- Co-operate fully with the investigation if it proceeds to that stage.

Where a complainant makes an oral complaint they will then have 14 days to present their case and evidence in writing to the Director of Human Resources¹. This should outline the grounds on which their complaint is based. The complainant should be aware that a copy of this will be given to the alleged perpetrator(s) in keeping with the principles of natural justice. The alleged perpetrator(s) will not be informed of the oral complaint until after the 14th day, at which time they will be given a copy of the written complaint or a copy of the letter issued by the Human Resources Office in relation to the failure to provide the written complaint as described below.

Failure to present the case in writing will result in the University considering the complaint withdrawn fully and without foundation. The Human Resources Office will inform the complainant and the alleged perpetrator(s) of this in writing. If a complainant continues to make oral allegations without substantiating them this may be considered malicious by the University and disciplinary action may be taken in line with standard disciplinary procedures.

After receiving the written allegation the alleged perpetrator(s) will have the following options available to them:

- Respond to the allegations in writing to the Director of Human Resources¹ within 21 days of the date of receipt.
- Request that the Director of Human Resources¹ instigate a formal investigation.
- Ignore the allegations. In this instance the Director of Human Resources¹ will instigate a formal investigation after the 21 days have elapsed.

The Director of Human Resources¹ will forward the response to the complainant who will then have 7 days to examine it and indicate to the Director of Human Resources¹ whether it resolves the issues or not. If it does then the Director of Human Resources¹ will inform both parties in writing that the issue is resolved and the University now considers the matter closed.

Formal Investigation Process

If the matter remains unresolved at this stage the Director of Human Resources¹ will instigate a thorough, impartial and objective investigation of the written complaint by an investigation team. This team will comprise of two or more persons, either staff from the Human Resources Office or independent investigators, as determined by the Director of Human Resources¹ in consultation with appropriate University Management and the parties to the case.

The first stage of any investigation will include the issuance by the Director of Human Resources¹ of a set of Terms of Reference to both parties and to the investigating team, which will reflect the individual nature of each complaint but shall specify the following:

- That the investigation will be conducted in accordance with the Anti-Bullying Policy;
- The scope of the investigation;
- The timescale within which the investigation will be completed.

The investigators may set time limits for completion of various stages of the procedure to ensure the overall timescale is adhered to.

Both parties will be given copies of all relevant documentation prior to and during the investigation process, i.e.

- Complaint
- Written response from the alleged perpetrator(s)
- Witness statements (if any)

The investigation will include separate interviews with both the complainant and the alleged perpetrator(s). Both parties should be informed that they have the right to bring a union representative or a colleague with them should they desire in accordance with the Principles of Natural Justice. They should also be made aware that they have the right to have their statements confirmed to them either at the end of the interview or in writing prior to the report being compiled. Both the complainant and the alleged perpetrator(s) may provide details of witnesses or any other person whom they feel could assist in the investigation.

The investigation team will write to all witnesses to inform them of the following:

- That an investigation is being conducted into an allegation being made by [*Name of Complainant*] against [*Name of alleged perpetrator(s)*] under the Anti-Bullying Policy.
- They are being called as witnesses and that they are not otherwise involved, nor are any allegations being made against them.
- They have the right to bring a union representative or a colleague with them should they desire. (Principles of Natural Justice)
- They have the right to have their witness statements confirmed to them either at the end of the interview or in writing prior to the report being compiled.
- They will not receive a copy of the report or be made aware of the findings in their role as a witness. This does not exclude staff being made aware of issues in their role as line manager etc. as deemed appropriate.

The terms of reference will also be included.

At the conclusion of the investigation a report outlining whether or not the complaint has been upheld and which may make recommendations on appropriate actions to be undertaken, will be issued to the Director of Human Resources¹. This report will be forwarded to both the claimant and the alleged perpetrator(s) not later than 21 days after the final interview takes place.

Where the complaint is upheld then the perpetrator(s) will be subject to the disciplinary procedure within the University. The Disciplinary Procedure will then become the relevant procedure for the further processing of the complaint.

Mediation

If at any stage both parties agree to opt out of the Formal Anti-Bullying Procedure and seek to resolve their differences through the University's mediation process they are free to do so. Both the complainant and the alleged perpetrator(s) will be required to write to the Director of Human Resources indicating that they wish to enter the University's Mediation process and that the formal Anti-Bullying Procedure be ceased.

At this point the case will be deemed to be closed and resolved for the purposes of the University Anti-Bullying Procedure. The Anti-Bullying Procedure will not be available to either party for these allegations once the mediation option has been taken. Where the complainant makes new allegations not already made they will be free to access the Anti-Bullying Procedure as a completely new case and be considered as such.

Throughout the investigation and following its conclusion, counselling and support is available through the Employee Assistance Programme, to both the complainant and the alleged perpetrator(s). The impact of bullying and the stressful nature of a disciplinary procedure may leave either party feeling insecure, resentful or bitter. Counselling is available through the Employee Assistance Programme which can provide the necessary support to deal with these issues. It can also assist re-integration back into the workplace.

Victimisation as a result of making bullying allegations will be regarded as a serious breach of discipline and will result in a formal investigation. This investigation may result in disciplinary action being taken which may include dismissal.

¹ In the event that the Director of Human Resources has a conflict of interest in a case the matter will be dealt with in the first instance by the Vice-President Student Services and Human Resources. In the event of a conflict of interest by the Vice-President Student Services and Human Resources the matter will be dealt with by an alternative member of the University Management Team or designated senior member of staff who does not have such a conflict.

Beartas Frith-Bhulaíochta Foirne

Ráiteas Beartais

Is é atá mar aidhm ag an Ollscoil timpeallacht oibre, foghlama agus shóisialta a chothú ina n-oibríonn gach comhalta foirne le chéile ar bhealach dearfach. Glactar leis san Ollscoil gur cheart go dtabharfadh an timpeallacht oibre saoirse do gach fostaí a c(h)uid oibre a dhéanamh gan fulaingt de bharr bulaíochta nó imeaglaíthe ó aon chomhghleacaí. Is ábhar tromchúiseach é an bhulaíocht; d'fhéadfadh bulaíocht tarlú go rialta agus go deimhin is iomaí cineálacha bulaíochta atá ann.

Tá sé de fhreagracht ar gach duine aonair a chinntiú nach dtarlaíonn bulaíocht ná imeaglú ag leibhéal ar bith laistigh den Ollscoil. Ba chóir go dtuigfeadh gach fostaí nach féidir glacadh le bulaíocht, cuireann sé isteach ar dhínit an duine ag an obair agus d'fhéadfadh gníomh araíonachta a bheith ann dá barr.

Soláthraítear seirbhís idirghabhála in OÉ Gaillimh le cur ar chumas comhaltaí foirne díospóidí idirphearsanta a réiteach a luaithe agus is féidir, ar bhonn neamhfhoirmiúil. Tá tuilleadh eolais le fáil i mBeartas Idirghabhála na hOllscoile. Tá an beartas seo le fáil ar láithreán gréasáin na hOifige Acmhainní Daonna.

Céard is Bulaíocht ann?

Seo a leanas an sainmhíniú atá tugtha ar bhulaíocht san ionad oibre *“iompraíocht mhíchuí arís is arís eile, lena n-áirítear iompraíocht dhíreach nó indíreach, ó bhéal, fisiceach nó eile, á déanamh ag duine amháin nó níos mó in aghaidh duine nó daoine eile, san ionad oibre agus/nó i rith cúrsa fostaíochta – iompraíocht a bhféadfaí a mheas le réasún gur iompraíocht é atá ag baint an bhoinn ó cheart dínite an duine san ionad oibre”*².

Bíonn fadhbanna agus comharthaí fisiceacha agus mothúchána diúltacha ag bulaíocht ar an té a ndéantar bulaíocht air/uirthi. Cuireann bulaíocht go mór le strus agus d'fhéadfadh sé fadhbanna sláinte a chruthú nó fiú cur isteach ar thimpeallacht fholláin oibre.

Tá sé tábhachtach a thuiscint freisin go gcaithfidh bulaíocht agus imeaglú a bheith déanta sách minic lena rá go bhfuil patrún iompraíochta ann, seachas cásanna aonair a tharla go heisceachtúil.

Samplaí de Bhulaíocht (ní liosta iomlán é seo)

- Iompraíocht ionsaitheach idir comhaltaí foirne
- Ciapadh leanúnach ó bhéal
- Masla pearsanta agus leasainmneacha
- Cáineadh leanúnach
- Magadh faoi dhuine go leanúnach, ramhaltaíocht, rudaí gránna a rá leo nó iompraíocht eile a chuirfeadh isteach ar dhuine
- Mailíseach nó magadh faoi dhaoine nó a bheith ag magadh faoi dhuine i dteannta daoine eile
- Gan dualgais ná freagrachtaí a roinnt go cothrom
- Gan cumarsáid a dhéanamh ar ghnáthbhealach na hollscoile

Tá tuilleadh samplaí le fáil ar láithreán gréasáin an Údaráis Sláinte & Sábháilteachta. www.hsa.ie

I measc na dtionchar bulaíochta is tromchúisí d'fhéadfaí inní, buairt aigne agus dúlagar a áireamh. Drochthionchair eile iad muinín a chailleadh agus féinmheas íseal. Cosúil le strus go ginearálta, bíonn drochthionchar ag bulaíocht ar an eagraíocht ina hiomláine mar nach bhfeidhmíonn daoine mar is ceart i dtimpeallacht oibre ina bhfuil faitíos agus gráin. D'fhéadfadh na tionchair seo a leanas a bheith le sonrú in eagraíocht:

- Neamhláithreacht mhéadaithe
- Táirgiúlacht laghdaithe
- Éifeachtacht laghdaithe
- Inspreagadh íseal
- Cinnteoireacht gan mhachnamh
- Droch-chaidreamh tionsclaíoch

² Tuarascáil an Tascfhórsa ar bhulaíocht san ionad oibre, 2001. Baineadh leas as freisin i dTuarascáil an tSainghrúpa Chomhairligh um Bulaíocht san Ionad Oibre 2005 agus sna Suirbhéanna a rinne an Institiúid Taighde Eacnamaíochta agus Sóisialta le forleithne bulaíocht san ionad oibre a chinneadh.

Céard a dhéanfaidh mé má mheasaim gur íospartach Bulaíochta mé?

Tá dhá rogha ag fostaí a mheasann gur íospartach bulaíochta é/í. Is iad sin an rogha Fhoirmiúil nó an rogha Neamhfhoirmiúil. Cumhdaítear an dá rogha seo faoin mBeartas Frithbhulaíochta. Tá léargas soiléir anseo thíos ar conas an nós imeachta a thionscnamh.

Ní mór d'fhostaithe ar mian leo gearán bulaíochta a dhéanamh (Gearánaí) faoin nós imeachta Frithbhulaíochta a thuiscint nuair a chuirtear gearán in iúl do bhainistíocht OÉ Gaillimh (i.e. An Oifig Acmhainní Daonna, Cinn Roinne/Aonad nó Rannóg, Maoirseoirí etc.) – ó bhéal nó i scríbhinn – go meastar gur nós imeachta Foirmiúil atá i gceist. Tionscnóidh an Ollscoil an próiseas foirmiúil láithreach bonn d'fhonn a chinntiú go gcosnaítear cearta an ghearánaí agus an chiontóra / na gciontóirí.

Cá bhfuil comhairle le fáil?

Féadfaidh an fostaí comhairle maidir le nós imeachta a ghairm ó cibé foinse is mian leis/léi. Seo a leanas samplaí de na háiteanna óna bhfuil comhairle le fáil:

- An Clár um Chúnaimh d'Fhostaithe.
- Comhalta foirne ón Oifig Acmhainní Daonna.
- Ceardchumann.
- Comhghleacaí.

Féadfar comhairle maidir le sonraí an ní atá ag déanamh inní don duine i gceist, roimh an Ollscoil a chur ar an eolas, a fháil ó na foinsí seo a leanas:

- An Clár um Chúnaimh d'Fhostaithe.
- Ceardchumann.
- A rogha foinse lasmuigh de OÉ Gaillimh.

Níl cosc ar chomhaltaí foirne labhairt le Comhghleacaithe OÉ Gaillimh ar cairde pearsanta iad más mian leo é sin a dhéanamh. In imthosca den chineál seo, ní mór don bheirt chairde aontú nach mbaineann an plé iomlán a bhíonn eatarthu maidir leis na sonraí atá líomhanta ach leo féin amháin. Ina theannta sin, ní mór dóibh aontú nach bhfuil an comhairleoir ag feidhmiú mar fhostaí OÉ Gaillimh ach mar chara pearsanta. Sa chás nach bhfuil an dá pháirtí sásta aontú leis na coinníollacha seo ón tús, níor cheart sonraí an cháis a phlé ar chor ar bith. Má phléitear na sonraí gan teacht ar chomhaontú den chineál sin, tá dualgas ar an duine a chloiseann an gearán an cás a thabhairt ar aird don Stiúrthóir Acmhainní Daonna ¹

Sa chás go dtugtar sonraí gearáin ar aird do bhainistíocht OÉ Gaillimh (i.e. An Oifig Acmhainní Daonna, Cinn Roinne/Aonad nó Rannóg, Maoirseoirí etc.) – ó bhéal nó i scríbhinn – is é an nós imeachta foirmiúil a thionscnófar. Is ann dó seo d'fhonn a chinntiú go gcuireann OÉ Gaillimh a dualgas cúraim i bhfeidhm i ndáil leis na fostaíthe ar fad.

Nós Imeachta um Ghearáin

Nós Imeachta Neamhfhoirmiúil

Ba chóir d'fhostaithe, a chreideann go bhfuil bulaíocht á déanamh orthu agus ar mian leo an cheist a réiteach go neamhfhoirmiúil, an méid seo a leanas a mhíniú go soiléir do chiontóir / do chiontóirí atá líomhanta.

- Sonraí na hiompraíochta i gceist.
- Nach bhfáiltítear roimh an iompraíocht agus gur ábhar coil atá ann.
- Éifeachtaí dochracha na hiompraíochta.
- Nach bhfuil an iompraíocht ag teacht le beartas ollscoile.

B'fhéidir gurb éard atá i gceist nach dtuigeann an ciontóir / na ciontóirí atá líomhanta go bhfuil a (h)iompraíocht ag cur isteach ar chomhghleacaí.

Sa chás go mbíonn deacrachtaí ag fostaithe labhairt leis an gciontóir / na ciontóirí iad féin, ba chóir dóibh a iarraidh ar thríú páirtí labhairt leis/léi, mar shampla cara, comhghleacaí, ionadaí ceardchumainn nó comhairleoir. Is é an ról a bheidh ag an duine seo tacaíocht mhorálta a thabhairt don ghearánaí le linn dó/di an cheist a phlé leis an gciontóir / na ciontóirí atá líomhanta. Ní hé an ról atá acu an gearán a dhéanamh thar ceann an ghearánaigh; ach sa chás go bhfuil fianaise ann go bhfuil deacrachtaí ag an ngearánaí na ceistanna atá ag déanamh inní dó/di a chur in iúl beidh cead ag an tríú páirtí cabhrú leis/léi. Ba cheart a chur in iúl don chiontóir / do na ciontóirí atá líomhanta nuair a bhíonn an cruinniú á shocrú go mbeidh tríú páirtí i dteannta leis an gcomhalta foirme ag an gcruinniú.

Tá ceart ag an gciontóir / na ciontóirí atá líomhanta tríú páirtí a thabhairt leis/léi freisin, mar shampla cara, comhghleacaí, ionadaí ceardchumainn nó comhairleoir. Ba cheart an méid seo a chur in iúl don ghearánaí nuair a bhíonn an cruinniú á eagrú.

Ag an bpointe seo, más amhlaidh go n-aontaíonn an ciontóir / na ciontóirí atá líomhanta ar réiteach leis an ngearánaí, ba cheart don dá pháirtí na gníomhaíochtaí feabhais a aithint. Cinnteoidh sé seo go mbeidh an dá pháirtí in ann súil a choinneáil ar an dul chun cinn. D'fhéadfadh an dá pháirtí aontú ar a gcuid nótaí chun débhríocht a sheachaint. Is é atá mar aidhm leis an nós imeachta neamhfhoirmiúil a chinntiú gur féidir leis an dá pháirtí aontú ar chreat ionas go mbeidh ar a gcumas leanúint ag obair le chéile ar bhonn gairmiúil.

Mura n-éiríonn leo an cheist a réiteach sa tslí seo nó más mian le ceachtar páirtí déileáil leis an gceist go foirmiúil tá cead acu an cheist a chur faoi bhráid an Stiúrthóra Acmhainní Daonna a thionscnóidh an nós imeachta foirmiúil.

Tá cead ag an dá pháirtí – am ar bith nuair a bhíonn an nós imeachta neamhfhoirmiúil ar siúl – Próiseas Idirghabhála na hOllscoile a thionscnamh. Ba cheart teagmháil dhíreach a dhéanamh leis an tSeirbhís Idirghabhála de réir an Bheartais Idirghabhála. Má theipeann air seo, is féidir leas a bhaint as an bpróiseas neamhfhoirmiúil nó as an bpróiseas foirmiúil.

Nós Imeachta Foirmiúil

Ní mór d'fhostaí a mheasann gur íospartach bulaíochta é/í agus ar mian leis/léi an gearán a réiteach trí leas a bhaint as an nós imeacht foirmiúil na nithe seo a leanas a dhéanamh:

- Sonraí an ghearáin a chur ar fáil don Stiúrthóir Acmhainní Daonna¹ i scríbhinn agus an méid sonraí agus is féidir a thabhairt. Ba cheart amanna, dátaí agus imeachtaí a tharla a áireamh anseo.
- Ní mór comhoibriú go hiomlán leis an imscrúdú má thagann sé chomh fada leis an gcéim seo.

Sa chás go ndéanann gearánaí gearán ó bhéal, ní mór dó/di an cás agus an fhianaise a chur ar fáil don Stiúrthóir Acmhainní Daonna¹ i bhfoirm scríbhinne laistigh de 14 lá. Ba cheart go mbeadh eolas anseo maidir le bunús an ghearáin. Ba chóir a chur in iúl don ghearánaí go dtabharfar cóip den cháipéis seo don chiontóir / do na ciontóirí atá líomhanta de réir phrionsabail an cheartais aiceanta. Ní chuirfear an ciontóir / na ciontóirí atá líomhanta ar an eolas maidir leis an ngearán ó bhéal go dtí go mbeidh 14 lá caite. Ansin tabharfar cóip den ghearán scríofa nó cóip den litir a d'eisigh An Oifig Acmhainní Daonna maidir leis na coinníollacha a bhaineann le gearán scríofa a sholáthar don chiontóir / do na ciontóirí.

Mura gcuirtear an cás in iúl i bhfoirm scríbhinne measfaidh an Ollscoil go bhfuil an gearán aistarraingthe go hiomlán agus gur gearán gan bhunús atá ann. Cuirfidh an Oifig Acmhainní Daonna an méid seo in iúl don ghearánaí agus don chiontóir / do na ciontóirí atá líomhanta i bhfoirm scríbhinne. Má leanann an gearánaí le líomhaintí ó bhéal a dhéanamh gan bhunús, d'fhéadfaí go measfadh an Ollscoil gur gníomh mailíseach é seo agus d'fhéadfaí gníomh araíonachta a thionscnamh ar aon dul leis na gnáthnósanna imeachta araíonachta.

Ach a mbeidh an líomhain scríofa faighte ag an gciontóir / na ciontóirí atá líomhanta beidh na roghanna seo a leanas aige/aici:

- Freagra scríofa a thabhairt don Stiúrthóir Acmhainní Daonna¹ laistigh de 21 lá ach an líomhain a bheith faighte.
- A iarraidh go dtionscnóidh an Stiúrthóir Acmhainní Daonna¹ imscrúdú foirmiúil.
- Neamhaird a thabhairt do na líomhaintí. I gcás den chineál seo, tionscnóidh an Stiúrthóir Acmhainní Daonna¹ imscrúdú foirmiúil ach a mbeidh 21 lá caite.

Cuirfidh an Stiúrthóir Acmhainní Daonna¹ an fhreagairt ar aghaidh chuig an ngearánaí ansin. Beidh 7 lá ag an ngearánaí an fhreagairt a scrúdú agus a chur in iúl don Stiúrthóir Acmhainní Daonna¹ an réitíonn sé an scéal nó nach réitíonn. Más amhlaidh go réitíonn sé sin an scéal cuirfidh an Stiúrthóir Acmhainní Daonna¹ in iúl – i scríbhinn – don dá pháirtí go bhfuil an scéal réitithe agus go measann an Ollscoil anois an scéal a bheith curtha ina cheart.

Próiseas Foirmiúil Imscrúdaithe

Má tá ceist fós gan réiteach ag an bpointe seo, tionscnóidh an Stiúrthóir Acmhainní Daonna¹, imscrúdú críochnúil, neamhchlaonta agus cuspóireach den ghearán scríofa. Foireann imscrúdaithe a thabharfaidh faoin imscrúdú seo. Beirt chomhaltaí nó níos mó a bheidh ar an bhfoireann, comhaltaí foirne ón Oifig Acmhainní Daonna nó imscrúdaitheoirí neamhspleácha eile, de réir mar a chinnfidh an Stiúrthóir Acmhainní Daonna¹ i gcomhairle le lucht Bainistíochta cuí na hOllscoile agus páirtithe eile an cháis.

Mar chuid den chéad chéim den imscrúdú tabharfaidh an Stiúrthóir Acmhainní Daonna¹ cóip de na Téarmaí Tagartha don dá pháirtí agus don fhoireann imscrúdaithe. Beidh eolas maidir le gach gearán le fáil sna téarmaí tagartha agus cuirfear an méid seo a leanas in iúl freisin:

- Reáchtálfar an t-imscrúdú de réir an Bheartais Frithbhulaíochta;
- Scóip an imscrúdaithe;
- An t-amscála ina gcríochnófar an t-imscrúdú.

Féadfaidh na himscrúdaitheoirí teorainneacha ama a shocrú do na céimeanna éagsúla den nós imeachta d'fhonn a chinntiú go gcloítear leis an amscála atá leagtha síos.

Tabharfar cóip de cháipéisíocht chuí don dá pháirtí roimh agus i ndiaidh an phróisis imscrúdaithe, i.e.

- Gearán
- Freagairt scríofa ón gciontóir / ó na ciontóirí atá líomhanta
- Ráitis finnéithe (más ann dóibh)

Beidh agallaimh ar leithligh i gceist leis an ngearánaí agus leis an gciontóir atá líomhanta. Ba chóir a chur in iúl don dá pháirtí go bhfuil an ceart acu ionadaí ceardchumainn nó comhghleacaí a thabhairt leo más mian leo, de réir Phrionsabail an Cheartais Aiceanta. Ba chóir go mbeadh a fhios acu freisin go bhfuil an ceart acu a ráitis a dhearbhu ag deireadh an agallaimh nó i scríbhinn sula gcuirtear an tuarascáil i dtoll a chéile. Féadfaidh an gearánaí agus an ciontóir / na ciontóirí atá líomhanta sonraí finnéithe nó aon duine eile a d'fhéadfadh cabhrú leis an imscrúdú a sholáthar.

Scríobhfaidh an fhoireann imscrúdaithe chuig na finnéithe ar fad chun an méid seo a leanas a chur in iúl dóibh:

- Go bhfuil imscrúdú á dhéanamh ar líomhain atá á déanamh ag [*Ainm an Ghearánaí*] i gcoinne [*Ainm an Chiontóra atá líomhanta*] faoin mBeartas Frithbhulaíochta.
- Is ag feidhmiú mar fhinnéithe atá na daoine seo agus níl aon bhaint eile acu leis an scéal, ná níl dada líomhanta ina gcoinne.
- Tá an ceart acu ionadaí ceardchumainn nó comhghleacaí a thabhairt in éindí leo más mian leo. (Prionsabail an Cheartais Aiceanta)
- Tá an ceart acu ráitis na bhfinnéithe a dhearbhu ag deireadh an agallaimh nó i scríbhinn sula gcuirtear an tuarascáil le chéile.
- Ní bhfaighidh siad cóip den tuarascáil nó ní chuirfear torthaí an ról atá acu mar fhinnéithe in iúl dóibh. Ní áiríonn sé seo comhaltaí foirne a chur ar an eolas maidir le ceisteanna a bhaineann leis an ról atá acu mar bhainisteoirí líne etc. de réir mar is cuí.

Ba chóir na téarmaí tagartha a chur san áireamh freisin.

Ag deireadh an imscrúdaithe, eiseoidh an Stiúrthóir Acmhainní Daonna¹ tuarascáil chun cur síos a dhéanamh ar an seasadh leis an ngearán agus moltaí maidir leis na gníomhaíochtaí cuí is ceart a dhéanamh. Tabharfar cóip den tuarascáil don ghearánaí agus don chiontóir / do na ciontóirí atá líomhanta nach mó ná 21 lá i ndiaidh an chéad agallaimh a reáchtáil.

Sa chás go seastar le gearán, beidh an ciontóir / na ciontóirí faoi réir nós imeachta araíonachta laistigh den Ollscoil. Is é an Nós Imeachta Araíonachta an nós imeachta a bheidh oiriúnach chun an gearán a phróiseáil as sin amach.

Idirghabháil

Má roghnaíonn an dá pháirtí gan cloí leis an Nós Imeachta Foirmiúil Frithbhulaíochta ag pointe ar bith agus go ndéantar iarracht na difríochtaí a réiteach trí phróiseas idirghabhála na hOllscoile beidh cead acu é sin a dhéanamh. Éileofar ar an ngearánaí agus ar an gciontóir / ar na ciontóirí atá líomhanta scríobh chuig an Stiúrthóir Acmhainní Daonna ag cur in iúl gur mian leo páirt a ghlacadh i bpróiseas Idirghabhála na hOllscoile agus deireadh a chur leis an Nós Imeachta Foirmiúil Frithbhulaíochta.

Ag an bpointe seo, measfar go bhfuil deireadh leis an gcás agus go bhfuil an cas réitithe chun críche Nós Imeachta Frithbhulaíochta na hOllscoile. Ní bheidh an Nós Imeachta Frithbhulaíochta ar fáil do cheachtar páirtí do na líomhaintí seo má leantar leis an rogha idirghabhála. Sa chás go ndéanann an gearánaí líomhaintí nua nach bhfuil déanta cheana féin, beidh rogha acu leas a bhaint as an Nós Imeachta Frithbhulaíochta mar chás iomlán nua agus déileálfar leis sin mar chás iomlán nua.

I rith an imscrúdaithe agus nuair a bheidh sé curtha i gcrích, beidh seirbhís chomhairleoireachta agus tacaíochta ar fáil tríd an gClár um Chúnadh d'Fhostaithe – seirbhís atá ar fáil don ghearánaí agus don chiontóir / do na ciontóirí atá líomhanta. Mar gheall ar an mbulaíocht agus an strus a bhaineann le nós imeachta araíonachta, d'fhéadfadh ceachtar páirtí a bheith ag aireachtáil éiginnte fúthu féin nó gangaideach fiú. Is féidir leas a bhaint as an tseirbhís chomhairleoireachta tríd an gClár um Chúnadh d'Fhostaithe – clár a sholáthraíonn an tacaíocht chuig chun déileáil leis na ceisteanna seo. Ina theannta sin, d'fhéadfadh sé cabhrú le fostaithe dul i dtaithe ar an ionad oibre in athair.

Má dhéantar íospairt ar dhuine mar gheall ar líomhaintí bulaíochta a thuairisciú, breathnófar air sin mar shárú tromchúiseach agus tionscnófar imscrúdú foirmiúil. B'fhéidir go dtionscnófaí gníomh araíonachta de dheasca an imscrúdaithe seo – gníomh araíonachta a d'fhéadfadh dífhostú duine a áireamh.

¹ Sa chás go mbíonn coinbhleacht leasa i gceist don Stiúrthóir Acmhainní Daonna i gcás ar leith, ar an gcéad dul síos is é an Leas-Uachtarán um Sheirbhísí do Mhic Léinn agus Acmhainní Daonna a dhéileálfadh leis an gcás. Sa chás go mbíonn coinbhleacht leasa i gceist don Leas-Uachtarán um Sheirbhísí do Mhic Léinn agus Acmhainní Daonna i gcás ar leith, comhalta foirne ó Fhoireann Bainistíochta na hOllscoile nó comhalta sinsearach ainmnithe foirne ó Fhoireann Bainistíochta na hOllscoile nó comhalta sinsearach ainmnithe foirne nach bhfuil coinbhleacht leasa aige/aici a dhéileálfadh leis an gcás.
