IADT Dignity and Respect Policy and Procedures for Sexual Misconduct

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Contents

IADT Dignity and Respect Policy and Procedures for Sexual Misconduct	1
1. Purpose of this Policy	4
1.1 Introduction	4
1.2 Statement of Policy	4
1.3 Framework for Ending Sexual Violence in Higher Education Institut	ions 5
1.4 Objectives of this Policy	5
2. Scope of this Policy	5
2.1 Who does this Policy Apply to	5
2.2 Where and In What Circumstances Does The Policy Apply	6
2.3 To What Behaviour Does It Apply	6
3. Definitions within this Policy	7
3.1 Definitions	7
3.2 Behaviours	9
4. Statutory Rights	10
5. Monitoring and Review	11
5.1 Monitoring	11
5.2 Review	11
6. Statistical Reporting on Informal Procedures	11
7. Disclosures	12
8. Raising a Report	12
8.1. Informal Procedures	13
8.2 Objective of Informal Process	13
8.3 Steps in Informal Process	14
8.4 Formal Procedures	15
8.5 Commencing a Formal Reports Procedure	15

	8.6 Steps in Formal Procedure	16
9	. Appendices	18
	9.1 Roles and Responsibilities	18
	9.2 Approaching Facilitated Informal Conversations	23
	9.3 Mediation	23
	9.4 Who to Submit a Formal report to	24
	9.5 Preliminary Screening Process	24
	9.6 Progressing the Formal report	25
	9.7 Stages of Formal Investigation	26
	9.8 Post Informal Report Form	29
	9.9 Organisational Chart	30
	9.10 Support Services (Internal - Students)	31
	9.11 Support Services (Internal – Staff)	31
	9.12 Support Services (External)	32

1. Purpose of this Policy

1.1 Introduction

The aim of this Dignity and Respect Policy is to provide guidance on what constitutes sexual misconduct and to clarify what action the Institute will take when responding to breaches of this Policy.

This Policy defines the term "Sexual Misconduct". It provides general information and guidance to members of the Institute (see section 2.1) and sets out the procedures for processing of reports where sexual misconduct is alleged to have occurred.

The Institute in framing and implementing this Policy has regard for legislation, codes of practice and best practice guidance documents on sexual misconduct as published from time to time by the National Women's Council (NWC), Dublin Rape Crisis Centre (DRCC), Government of Ireland, Workplace Relations Commission (WRC), the Health and Safety Authority (HSA), the Equality Authority (EA) and the Irish Human Rights and Equality Commission (IHREC).

A separate policy and procedure document covering issues relating to bullying and harassment can be found here.

1.2 Statement of Policy

The Institute of Art, Design and Technology ("IADT" or, the "Institute") is committed to the promotion and management of an environment for work and study which upholds the Dignity and Respect due to each individual. The Institute supports every individual's right to work and study in a climate which respects their individuality and diversity and, which is free from threat, harassment, intimidation, and victimisation or bullying.

Sexual misconduct in any form is totally unacceptable. The Institute operates a **zero-tolerance** approach to sexual misconduct, and therefore will not tolerate any member of the IADT community, regardless of their position, being treated with anything less than professional courtesy, dignity, and respect. Neither will IADT tolerate any member of the Institute, regardless of their position, treating a colleague, student or anyone coming into contact with the Institute, with anything less than professional courtesy, dignity, and respect.

This Policy is guided by the general principle that the intention of the perpetrator of sexual misconduct is irrelevant. It is the effect of the behaviour on the individual(s) on the receiving end of the behaviour that is important. It is the responsibility of all staff and students to be alert to their obligations under this Policy and the possible effect of their behaviour on others and to manage such interactions positively and to the highest professional standards.

A report of sexual misconduct by or against a member of staff may, following investigation, lead to disciplinary action. Disciplinary action may include a range of responses, from verbal warnings up to and including dismissal from employment.

In the case of a student, this may result in a range of responses from a verbal warning to exclusion from IADT. The scope of disciplinary action is set out clearly in the Institute's Disciplinary Procedures. The reports procedure applies in relation to actions by or reports from a third party (service provider, contractor and visitor to the Institute) is set out in a separate but complementary policy statement.

1.3 Framework for Ending Sexual Violence in Higher Education Institutions

Sexual misconduct in any form is not tolerated at IADT and the Institute is committed to implementing the Framework for Promoting Consent and Preventing Sexual Violence, and the Ending Sexual Misconduct in Higher Education Institutions Implementation Plan as outlined by the Department of Education and Skills and the Higher Education Authority.

Training on responding to disclosures of sexual misconduct will be made mandatory for all Dignity and Respect Ambassadors under this framework. Further details on the Institutional response to the Framework for Ending Sexual Violence can be found on the EDI page of the Institute's website.

1.4 Objectives of this Policy

The objectives of this Policy are to:

- Promote awareness of the issues arising for staff, students, contractors and clients of the Institute by way of direct communication and workshops, and to provide training, where appropriate;
- Provide clear definitions of what constitutes sexual misconduct;
- Deter, prevent, and eliminate unacceptable behaviours;
- Create an environment where staff, students, contractors and clients of the Institute can interact together free from sexual harassment and/or violence in any form;
- Provide a clear and accessible mechanism for addressing and resolving allegations of sexual harassment and/or violence.

2. Scope of this Policy

2.1 Who does this Policy Apply to

This Policy applies to all members of our HEI community, those supplying services to our community, or availing of services from our community. This includes staff, employees, students, and others. "Others" shall be taken to include, but is not limited to the conduct of contractors, subcontractors, vendors, and members of IADT societies/clubs. It also includes those who engage and/or who interact with IADT and/or its associated bodies, those who provide services to IADT, those who avail of services, and/or are visitors of and to IADT or any of its associated bodies. For further details on the roles and responsibilities of all IADT

stakeholders in relation to dignity and respect, please see Appendix 8.1. This Policy applies to reports from community members as set out below:

- Reports against staff members
- Reports against staff members from students
- Reports against other service users from staff and/or students
- Reports between students
- Reports against students from staff members
- Reports against staff and/or students from service providers
- Reports against service provides from staff and/or students

2.2 Where and In What Circumstances Does The Policy Apply

This Policy applies to all members of the IADT community in all locations as follows:

- IADT campus, Kill Avenue, Dun Laoghaire, Co. Dublin
- Carnegie Library, Dun Laoghaire, Co. Dublin
- Any other place where staff or students may be representing the Institute.
- Any place were staff and/or students are participating in their capacity as Institute member's e.g. social functions, conferences, sporting events, field trips, or work assignments which are related to the Institute, to one's work, or study.

This Policy also applies to all staff and students of IADT in situations as follows:

- All situations where there is communication in person, in writing, on the telephone, by e-mail through social media and/or the internet
- In any Institute-related activity or situation.

In addition, circumstances can occur where personal actions or communications from or between members of the IADT community outside the Institute may fall for consideration under this Policy.

It is The Policy of IADT to protect freedom of expression and intellectual enquiry for all members of the Institute and to ensure that such freedoms are exercised in such a way as not to interfere with the rights of others, or breach this Policy or the laws of the State.

2.3 To What Behaviour Does It Apply

The Policy applies to all forms of interaction and communication between people, directly or indirectly, including the spoken word, digital communications, photographs, images, written, and other non-verbal communication, including via sign language, through gestures and in posters.

It is acknowledged that new forms of digital technologies may open up new forms of digital harassment. This Policy therefore includes any form of physical, verbal, digital or otherwise

enacted harassment and abuse which infringes on an individual's right to sexual privacy, safety, dignity and respect.

3. Definitions within this Policy

The following section outlines definitions of terms and behaviours which are drawn from legislation and relevant codes of practice. This section is intended to provide a frame for acceptable behaviour in the workplace and place of study.

It is important to also note that the Employment Equality Acts 1998 and 2015 do not prohibit all relations of a sexual or social nature. It is the unwanted nature of the conduct, against the person, or persons, whom this conduct is directed which distinguishes sexual harassment and harassment from friendly behaviour, which is welcome and mutual.

3.1 Definitions

This Policy uses the term 'sexual misconduct' to describe actions of a sexual nature made against a person without their consent. Sexual misconduct includes all forms of Sexual Violence, Sexual Assault and Gender-Based Violence.

In this Policy, and in line with The Framework (2020), sexual misconduct is described as:

'crimes of sexual violence, sexual cyberbullying of any kind including non-consensual taking and/or sharing of intimate images, creating, accessing, viewing or distributing child pornography material online or offline, stalking behaviours whether online or offline in a sexual context, and any verbal or physical harassment in a sexual context'¹.

Other important definitions relevant to this Policy are outlined below.

Sexual Consent

The freely given verbal or non-verbal communication of a feeling of willingness to engage in sexual activity².

Rape and Sexual Assault

The following definitions are used in Irish Legislation:

Rape under Section 2 Criminal Law (Rape) 1981 Act as amended. Absence of consent is necessary to prove this offence. Penetration of the vagina by the penis where the man either knows that the woman does not consent to sexual intercourse, or is reckless as to whether she consents or not. Proof is necessary that the penis entered the vagina, but even a very slight degree of penetration is enough.

¹ Government of Ireland, Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019, p. 14. Accessible at: https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf

² Hickman & Muehlenhard, 1999, p. 259

Rape under Section 4 Criminal Law (Rape) (Amendment) Act 1990 as amended. Absence of consent is necessary to prove this offence. A sexual assault that includes: a) Penetration (however slight) of the anus or mouth by the penis. b) Penetration of the vagina (however slight) by any object held or manipulated by another person.

Aggravated Sexual Assault under Section 3 Criminal Law (Rape) (Amendment) Act 1990 as amended. Absence of consent is necessary to prove this offence. A sexual assault that includes serious violence or the threat of serious violence or is such as to cause injury, humiliation, or degradation of a grave nature to the person assaulted.

Sexual Assault under Section 2 Criminal Law (Rape) (Amendment) Act 1990 as amended. Absence of consent is necessary to prove this offence. An assault which takes place in circumstances of indecency is known as sexual assault. It includes any sexual touching without consent and is not limited to sexual touching involving penetration. Technically, the word "assault" also covers actions which put another person in fear of an assault.

Image-Based Sexual Abuse (IBSA)

In the GPG, IBSA is the sharing, or threatening to share, an intimate image or video of another person without their consent. IBSA is illegal in Ireland under The Harassment, Harmful Communications, and Related Offences Act, 2020³.

Intimate Partner Violence (IPV)

IPV refers to any behaviour within an intimate relationship that causes physical, psychological, or sexual harm to those in the relationship⁴. These behaviours can include acts of physical violence, sexual violence, emotional abuse, and controlling behaviours.

Coercive Control

"Coercive control is an act or a pattern of acts of assault, threats, humiliation, and intimidation or other abuse that is used to harm, punish, or frighten their victim⁵". Coercive Control, as outlined by Evan Stark, is a pattern of behaviours used to entrap victim-survivors in abusive relationships.

Sexual Harassment

The Employment Equality Acts 1998 and 2015 define sexual harassment as:

³ https://www.irishstatutebook.ie/eli/2020/act/32/enacted/en/print

⁴ World Health Organisation, Understanding and addressing violence against women, 2012, p. 1. Accessible at: https://apps.who.int/iris/bitstream/handle/10665/77432/WHO RHR 12.36 eng.pdf?sequence=1&isAllowed=

Women's Aid, Coercive Control, accessed on 23/02/2023 https://www.womensaid.org.uk/informationsupport/what-is-domestic-abuse/coercive-control/

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

The Acts provide a non-exhaustive list of unwanted conduct that may constitute sexual harassment, namely, "acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material"

Where the Reporting Party is "harassed or sexually harassed either at a place where the employee is employed (in this section referred to 'the work place') or otherwise in course of their employment...." This is extended to the place where students are registered or otherwise in the course of their studies.

Sexual misconduct of any kind can undermine the dignity of the recipient, and may adversely affect work/study performance.

A single incident may constitute sexual harassment; the focus is the impact of the incident, not the intent of the harasser.

3.2 Behaviours

Many forms of behaviour can constitute sexual misconduct. The term includes examples like those contained in the following list, although it must be emphasised that the list is illustrative rather than exhaustive.

- **Physical conduct of a sexual nature** including unwanted physical contact, ranging from unnecessary touching, patting or pinching or brushing against another person's body, up to physical assault or rape.
- Verbal conduct of a sexual nature including unwelcome sexual advances,
 propositions or pressure for sexual activity (including outside the work place) after it
 has been made clear that suggestions are unwelcome; unwanted or offensive
 flirtations, suggestive remarks, innuendo or lewd comments; suggestions that sexual
 favours may further someone's career / examination results, or that a refusal may
 damage same.
- Nonverbal conduct of a sexual nature including the display of pornographic or sexually suggestive pictures, calendars, objects, written materials, emails, text messages or faxes. It may also include leering, whistling, or making sexually suggestive gestures.
- **Gender-based misconduct** including conduct that denigrates or ridicules, or is intimidatory or physically abusive of an individual because of their gender, such as derogatory or degrading abuse or insults which are gender related.
- *Misuse of power*, by academic or professional staff towards students or more junior levels of employee or misuse of power in a relationship between students or employees who have unequal institutional power.

Arranging or participating in events aimed at degrading or humiliating those who
have experienced sexual violence, for example inappropriately themed social events
or initiations.

It is important to protect freedom of creative expression within an educational and societal context. It is usual and necessary to encounter some sexual and/or challenging material within an educational environment, for example: art images and/or objects, photographic materials or films. When such images are introduced they should be appropriately or adequately contextualised within the educational setting.

Course content, including audio and visual media, visual art and other forms of artistic expression, is not considered to constitute a sexual harassment issue. Where it is recognised that certain content on some of our programmes can be difficult to view, students are made aware of this at the start of term and reasonable accommodations can be made for students to engage with alternative content.

4. Statutory Rights

The key aim of this Policy is to ensure that any reports of sexual misconduct, should they occur, can be resolved within the Institute. Nothing in the informal or formal procedure set out in this document can overrule an individual's statutory rights.

Students who wish to seek legal redress or advice can contact:

- the Union of Students Ireland (USI)
- Irish Human Rights and Equality Commission (IHREC)

Staff members who wish to seek legal redress or advice can contact:

- the Health and Safety Authority (HSA)
- Irish Human Rights and Equality Commission (IHREC)
- Workplace Relations Commission (WRC)

A report of harassment, for example, being processed externally in accordance with the Employment Equality Acts 1998 and 2004, must normally be lodged within six months of the alleged incident, or the latest incident within a series of connected incidents.

Where an individual decides to seek legal redress in advance of the output from any IADT investigation, the IADT process may be suspended. Where an internal process is suspended, interim accommodations may be requested by either the Reporting Party or Responding Party.

5. Monitoring and Review

5.1 Monitoring

Specific responsibility attaches to the Executive, Heads of Faculty, Central Service Managers, Senior Academic Staff, Supervisory Staff and Staff Representatives to set and maintain standards of behaviour and implement the provisions of this Policy, so as to underpin a positive work and study environment in the Institute.

The Human Resource Manager will have particular responsibility for monitoring the implementation of this Policy and ensuring that it is effective for all staff reports.

The Registrar will have particular responsibility for monitoring the implementation of this Policy and ensuring that it is effective for all student reports.

5.2 Review

The Institute is committed to reviewing this Policy and procedure on a regular basis in line with changes in the law, best practice, relevant case law and other developments. It is The Policy of the Institute to observe the above provisions; however, it reserves the right to depart from same where appropriate. This Policy works in tandem with IADT's policy on Equality, Diversity & Inclusion. Where breaches are identified under the EDI Policy, reports may fall to be investigated under the Dignity and Respect Policy. For all reports or equality issues, the Equality, Diversity and Inclusion Manager can be contacted for further clarification at equality@iadt.ie

Grievances and/or Whistle Blowing matters will be addressed through applicable policies and resolved as identified through the appropriate channels. These policies can be found directly on the Institute website.

The Institute recognises our responsibilities under the Public Sector Duty as a Higher Education Provider to champion the principles of Equality and Human Rights.

6. Statistical Reporting on Informal Procedures

The HR Manager/Registrar will be requesting metrics from Dignity and Respect Ambassadors. After receiving an informal report, DRAs will be asked to submit a Post Informal Report Form. This form will not contain any identifying information on the Reporting Party or Responding Party and will remain confidential. Dignity and Respect Ambassadors will be surveyed on an ongoing basis to help the Institute to understand the volume, nature, and outcome of informal reports, and to monitor the need to implement Training and Development interventions. These metrics may be used by the Institute to adhere to reporting requirements under the Higher Education Authority; all data will be aggregated prior to being provided to the HEA. All data gathering, storage, and sharing will be done in full compliance with Data Protection legislation. An example of the Post Informal Report Form can be found in Appendix 9.8.

7. Disclosures

A disclosure is when an incident of sexual misconduct or any form of behaviour which may violate the code of conduct of the Institution, or another Policy is made to a person within IADT. This person could be a staff member or a student leader or another person within the Institution, and this could happen in any context. Disclosures aren't recorded, and should not be recorded unless there is consent from the individual making the disclosure.

If a disclosure is recorded using the HEI's reporting procedures, it becomes a formal report. It will only be recorded as such with the consent of the Reporting Party, or if mandatory reporting is required by the State (i.e. if there is the possibility of endangerment of a minor).

In IADT, the following staff members will be trained in handling disclosures of sexual misconduct:

For students:

- Student Counsellor
- Student Nurse
- Dignity and Respect Officer
- EDI & Sexual Violence Prevention and Response Manager
- Sexual Violence Prevention and Response Administrative Lead

For staff:

- HR Manager
- Dignity and Respect Officer
- EDI & Sexual Violence Prevention and Response Manager
- Sexual Violence Prevention and Response Administrative Lead

A range of people, including Dignity and Respect Ambassadors, will also be trained to receive disclosures. Students and staff can disclose to the DRAs relevant to them, not precluding the named staff in the above lists. A list of DRAs will be made available when appointed and appropriately trained.

8. Raising a Report

The aim of these procedures is to provide suitable mechanism to address reports of sexual misconduct. The steps below set out the stages of the procedures that will be followed. There is more detail on each stage in the Appendices section at the end of this document. It is open to staff and students to review these stages themselves or to seek additional support from the Dignity and Respect Officer and/or appointed Dignity and Respect Ambassadors (DRAs). The DRAs will assist them in determining the most appropriate procedure based on the outcomes the Reporting Party wants. There are two procedural routes available:

- The Informal Procedure (as set out at Section 8.1), or
- The Formal Procedure (as set out at Section 8.4).

It is noted that due to the nature of the behaviour, many incidences of sexual misconduct may bypass the informal procedures.

The procedures below focus on proactive resolutions through a restorative justice lens and do not seek to replicate the criminal justice system.

8.1. Informal Procedures

Informal procedures can be utilised to address reports of sexual misconduct if the Reporting Party so wishes to seek informal resolution. However, IADT understands that reported incidences of sexual misconduct may, due to the nature of the issues involved, bypass the informal procedures.

With respect to reports involving staff or external contractors, it is at the sole discretion of the HR Manager to determine whether any stage of the process needs to be managed by an impartial and competent third party. A third party in this context refers to an investigator from outside of the Institute. In such cases the HR Manager will engage the third party. These responsibilities fall to the Registrar where reports involve students. Should the HR Manager or the Registrar be named in the report or on a prolonged leave of absence, a trained, nominated person will fulfil this role instead. For more information, see sections 9.4 - 9.6 in the Appendices.

8.2 Objective of Informal Process

The objective of dealing with issues informally is to try and resolve them swiftly and effectively with the minimum amount of distress to all parties. Advice can be provided by the Dignity and Respect Ambassadors, or Dignity and Respect Officer. It is recognised that there are many instances where informal options may not be appropriate.

IADT has a range of informal procedures dependent on the nature of the report. The Reporting Party will have full autonomy over which route, if any, they choose to take.

8.3 Steps in Informal Process

Consider	Though informal processes are not generally utilised in instances of
Informal	sexual misconduct, it is important that all options towards resolution
Resolution	are open to the Reporting Party and they alone decide the course of
	action they wish to pursue. However, IADT understands that reported
	incidences of sexual misconduct may, due to the nature of the issues
	involved, bypass the informal procedures.
Facilitated	Where you consider that it is appropriate, you can have a facilitated
Informal	informal conversation with the other party to make them aware that
Conversation	their behaviour is unwelcome. This conversation will be facilitated by
	the HR Manager, the Registrar, the Dignity and Respect Officer or
	another trained facilitator, chosen at the advice of the HR Manager/
	Registrar. The facilitator will remain a neutral and non-judgemental
	party. The aim of this route is to facilitate the parties in coming
	together to identify if there can be a shared understanding of a
	resolution to the issues.
Mediation	Mediation is not typically utilised as a procedure in instances of
	sexual misconduct; however, the Reporting Party may choose to
	utilise this option should they specifically wish to do so. It is
	important that all options towards resolution are open to the
	Reporting Party and they alone decide the course of action they wish
to pursue.	
	Mediation is a voluntary, confidential process that allows you to
	resolve an issue with another individual. The aim of mediation is to
	resolve disputes at the earliest possible opportunity and to
	encourage all involved to resolve their differences without having to
	go through a formal reports process. The mediation option is
	available to both employees and students and will be managed by HR
	and/or Registry as appropriate. Trained mediators may be appointed
	either internally or externally as appropriate. For more information
	on mediation, see Appendix 9.3.
Proceed to	If such interventions are not suitable or are unsuccessful, proceeding
Formal Route	to a formal route may be appropriate.
Support via	Should the Reporting Party need signposting to relevant supports at
Speak Out	any stage of these processes, an anonymous report can be made via
	Speak Out. Following an anonymous report, Speak Out provides a list
	of support services which are relevant to the incident reported. You
	<u>can visit Speak Out here.</u>

8.4 Formal Procedures

Reports of sexual misconduct will be treated seriously, objectively and with due regard for the rights and sensitivities of the person raising the issue, (the Reporting Party) and the person against whom the issue is being raised, (the Responding Party).

8.5 Commencing a Formal Reports Procedure

It is recommended that a formal reports procedure is commenced where an informal reports procedure has not adequately resolved the issue, or the Reporting Party wishes to bypass the informal reports procedure. IADT will never attempt to persuade, pressure or coerce any person in to commencing a formal or informal procedure.

8.6 Steps in Formal Procedure

Submit Report	You should submit a formal written statement as to the	
Submit Report	nature of the sexual misconduct report and the names of	
	·	
	witnesses (if any). There are no time-limitations on submitting	
	a Formal Report of sexual misconduct. However, this may be	
	limited to incidents that occurred when the Reporting Party	
	is/was a student/ staff/ employee of IADT and where the	
	Responding Party is a current student/staff/ employee of	
	IADT. Where a delay in this process should occur, it may affect	
	(but will not prevent) the Institution's ability to investigate the	
	Report.	
	See the organisation chart in Appendix 9.9 which identifies	
	different options for reporting routes for both students and	
	staff.	
Support	At the outset of any Formal Report Process, both the	
	Reporting Party and the Responding Party will be set up with	
	specific named formal supports. These can include, but are	
	not limited to, student counsellors, counselling via the	
	Employee Assistance Programme, or specialist external	
	services. Should the Reporting Party need further signposting	
	to relevant supports at any stage of formal or informal	
	processes, an anonymous report can be made via Speak Out.	
	Following an anonymous report, Speak Out provides a list of	
	support services which are relevant to the incident reported.	
	You can visit Speak Out here.	
Preliminary Screening	Where appropriate, the HR Manager and/or Registrar will	
Process	initiate the Preliminary Screening Process prior to progressing	
	the report. This will only occur where it is not clear if the	
	alleged behaviour falls under the scope of the definition of	
	sexual misconduct, as defined above. This will be dependent	
	upon: the scope and severity of the report made; or where	
	the Reporting Party appeals the process; or where the	
	investigation has not been carried out fully. During this	
	process, the EDI SVHPR manager will conduct a risk	
	assessment of the report to advise on the need for any	
	necessary interim measures. Interim measures ensure the	
	safety and continued attendance in work and study of both	

	the Reporting and Responding Parties, and are considered to	
	be necessary unless proven to be otherwise.	
Progressing Report	Where it is determined that the report is in scope, the HR	
	Manager and/or Registrar will use the notes for discussion	
	from the Screening Panel to inform their response. This	
	response will acknowledge receipt of report and set out the	
	appropriate course of action. In most cases this will be carried	
	out within ten working days of receipt of the report.	
Training and	It is open to the HR Manager/Registrar, and where	
Development	appropriate, the EDI Manager and/or the Dignity and Respect	
	Officer to advise the use of training and development to	
	respond to a report(s) of sexual misconduct matters that	
	become apparent. This may result in training delivered to	
	individuals and/or departments.	
Formal Investigation The formal investigation is generally carried out by two se		
	members of staff of different genders. These staff members	
	will be trained by a relevant Sexual Violence, Prevention and	
	Response organisation in trauma-informed practices.	
	However, services of an independent investigator may be	
	engaged. Investigations will be handed with fairness,	
	sensitivity and with due respect for the rights of both the	
	Reporting Party and the Responding Party. The investigation	
	will be completed as soon as possible, but generally not later	
	than 30 working days after the receipt of the written report	
	from the Reporting Party, unless there are exceptional	
	circumstances, (e.g. absence of a key witness or participant on	
	leave) which prevent the Investigator from concluding the	
	matter. For more information on what to expect at each stage	
	of the formal investigation, see Appendix 9.7.	
Support via Speak Out	Should the Reporting Party need signposting to relevant	
	supports at any stage of formal or informal processes, an	
	anonymous report can be made via Speak Out. Following an	
	anonymous report, Speak Out provides a list of support	
	services which are relevant to the incident reported. You can	
	visit Speak Out here.	

9. Appendices

9.1 Roles and Responsibilities

All staff and students have responsibility for building and maintaining a work and study environment that is free of sexual misconduct. These responsibilities include:

- Consciously, through their own behaviour, attitude and example, creating a climate
 which is respectful, friendly and supportive of those seeking to discharge their
 duties and obligations in an environment which respects the unique contribution
 that each individual can make to the Institute and the wider community;
- Discharging a leadership role within the Institute in support of this Policy statement by taking immediate and positive action, and, where safe to do so, not accepting any aggressive or unacceptable behaviour, either directed to themselves or others within the Institute;
- Cooperating as necessary and in full with an investigation or formal process whether as a Reporting Party, an accused person, or as a witness.

IADT Community

As individual members of the Institute Community, we all have a responsibility to:

- Treat all members of the Institute's Community with whom we interact with Dignity and Respect and be aware of the impact of your actions at all times.
- Be familiar with the principles of this Policy and positively contribute to a culture of Dignity and Respect by engaging with any training and/or awareness raising and initiatives.
- Encourage any individual that confides in you that where they have experienced sexual misconduct to seek support and guidance from the sources available.
- Engage in respectful conduct or behaviour that will not endanger your own safety, health and welfare or work or that of any other person including obligations under the Safety, Health and Welfare at Work Act, 2005

Dignity and Respect Officer

The Dignity and Respect Officer (DRO) jointly operates within the Equality, Diversity and Inclusion unit and the Human Resources Department, with specific oversight for the Dignity and Respect Policy. The DRO will;

- Organise all training and development of the Dignity & Respect Ambassadors (DRAs);
- Monitor and manage changes in policy and procedures relating to the Dignity and Respect Policy;
- Develop an effective and transparent monitoring and analysis process of dignity and respect related data;

- Report this data to relevant internal and external bodies on a defined periodic basis in order to demonstrate accountability;
- Act as the point of contact for all DRAs where they have queries on their roles or on how to support a colleague/peer in distress;
- Adhere to sectoral best practice guidelines and make recommendations to the Advisory Board in line with best practice;
- Support DRAs and managers in signposting colleagues/peers to relevant supports;
- Promote this Policy and its related procedures across the Institute in accessible ways.

Dignity and Respect Ambassadors

The Institute will appoint and train several volunteers from all areas of the Institute, through an Expression of Interest (EoI), on the launch of this Policy. Wherever possible, the Institute will aim to appoint a wide representation of DRAs, considering professional grade, race and ethnicity and orientation.

Dignity and Respect Ambassadors (DRAs) may offer support to an employee or student who feels that they are being subjected to sexual misconduct. A DRA will also offer support to an employee or student against whom a report of sexual misconduct has been made. A DRA may not, however, offer support to multiple parties simultaneously.

If a Dignity and Respect Ambassador is contacted by multiple parties, they should support the first person who requests support and refer the subsequent person(s) to another Dignity and Respect Ambassador.

The role of a DRA is:

- To provide support to employees who are concerned at the behaviour of colleagues; managers, work associates, suppliers or students towards them;
- To maintain confidentiality at all times, unless otherwise obliged to report to relevant authorities (for example, where there the Report involves the endangerment of a minor);
- To outline the support services available to the person and inform the Reporting
 Party that where the Report is made externally in the criminal justice system, there is
 a possibility that internal Reports Processes will be paused;
- To help their colleague talk through the situation and identify behaviours which are creating difficulties for them;
- To assist the person to gain clarity around the changes in behaviour they are seeking;
- To outline the options available to them in handling this situation under the Dignity and Respect Policy;
- To help the person to think through the options by examining the benefits and consequences of specific action or inaction;
- Empower the employee to decide for themselves the next step they wish to take;

- To adhere to the guidance offered by the Dignity and Respect Officer, in line with sectoral best practice guidelines;
- To consult with the Dignity and Respect Officer where necessary to gain clarity, advice, guidance or support in matters related to operations of the Dignity & Respect Policy.

The role of the Dignity and Respect Ambassador does not extend to intervening or approaching any individual on behalf of a staff member or student they are supporting. The role of the Dignity and Respect Ambassador does not extend to advocating for the Reporting Party or Responding Party during any procedures.

Head of Faculty/Directorate/Head of Department

Managers have important roles to play in creating a culture of Dignity and Respect in their School/Unit and supporting employees who are experiencing issues of Dignity and Respect, with support from HR. There may be instances where an individual may feel that there is a conflict of interest in approaching their line managers where the issue is with the line manager or if both individuals involved report to the same manager. In this instance, individuals can approach the next management level up or contact the Dignity and Respect Ambassador as well as seek support from the other sources of support available. The role of the Head of Faculty/Directorate/Head of Department is to:

- At all times, treat all members of the Institute community with Dignity and Respect.
- Proactively promote ongoing awareness in relation to Dignity and Respect in their area including keeping Dignity and Respect as a regular agenda item at School/Unit meetings.
- Work with those involved in a sexual misconduct issue in a proactive manner to
 provide options and potential pathways for resolution of issues in a positive,
 solution-focused manner. Seek advice from HR and the Dignity and Respect
 Ambassador as well as engaging with other people managers to seek support and
 advice (anonymously) in relation to addressing issues of Dignity and Respect in their
 areas.
- Undertake appropriate training and be able to explain The Policy and the supports to employees in their area.
- Encourage employees to come forward to report issues and to encourage them to seek support and guidance from the Dignity and Respect Ambassador and other supports that can assist in the resolution of issues.
- Monitor and follow up on the situation to ensure that unwelcome behaviour does not occur or recur.
- Be vigilant for signs of sexual misconduct through observation and by getting feedback and to take appropriate action before a matter escalates.

- Where unwelcome behaviour has occurred, and is admitted, be clear that it is not acceptable and to take disciplinary action if appropriate.
- Work with HR to take precautionary measures as deemed reasonable by the Institute.

The role of the Manager/Head of Faculty/Head of Department does not extend to intervening or approaching any individual on behalf of a staff member or student they are supporting. The role of the Manager/Head of Faculty/Head of Department does not extend to advocating for the Reporting Party or Responding Party during any procedures set out in this document.

Preliminary Screening Panel

The Preliminary Screening Panel consists of four people in total: three primary senior nominees who will generally be from Human Resources (HR), Equality, Diversity and Inclusion (EDI) Office, the Office of the Registrar and an appointed independent party, if deemed necessary.

The role of the Screening Panel is to:

- To make an evidentiary based decision as to whether the alleged behaviour, which is the subject of the report, falls within the definition of bullying, harassment, and/or sexual misconduct as outlined in the Dignity and Respect and Sexual Misconduct policies.
- To make recommendations in relation to the consideration of informal options where appropriate as per the Dignity and Respect and Sexual Misconduct policies.

HR/Registrar

It is a matter for the HR/Registrar to ensure that all records pertaining to any investigation are maintained and securely stored in the normal way. At all points the point of contact for investigations will always be the HR Manager and/or Registrar as appropriate and it is their responsibility to advise and guide managers through The Policy and procedures.

- Provide advice to Heads of School/Department and line managers on addressing Dignity and Respect related matters including how they can best support those experiencing issues of a Dignity and Respect nature.
- Provide advice on managing informal/formal procedures.
- Signpost employees and students to specialist supports and advisors such as the Dignity and Respect Ambassador, Employee Assistance Programme, Student Counselling Service etc.
- Provide management support to external investigators in the formal Dignity and Respect Reports process.

- Maintain communications with the reporting person/Reporting Party and person being reported /Responding Party and keep them informed of the progress of the formal investigation.
- Manage disciplinary proceedings.
- Where there is evidence of abuse of this Policy e.g. malicious and/or vexatious reporting (or other), this will be taken in to consideration and investigated as appropriate.

Executive Management Team

The Executive Management Team are the senior leadership team of the Institute led by the President. They have overall formal responsibility for the operation of this Policy. They have the responsibility to:

- Visibly lead and champion a positive culture of Dignity and Respect free from sexual misconduct and where trust and transparency around Dignity and Respect is paramount. This will include ensuring that all senior leaders are appropriately trained.
- Ensure that adequate resources are allocated to support a positive culture of Dignity and Respect including training and awareness raising campaigns.
- Proactively encourage individuals to seek support and guidance if experiencing issues of a sexual misconduct nature.
- Review Dignity and Respect reports and recommendations submitted on an annual basis and take the necessary action.
- Ensure that aggregate data is publicly available to enhance transparency around the process.
- Engage with the Governing Authority and external bodies such as the HEA in relation to progress on the implementation of the Dignity and Respect framework as appropriate.

Governing Authority

- Support the pursuit of the development and implementation of leading policies/procedures that clearly represent the values of IADT.
- Amplify the value and importance of Dignity and Respect in the Institute and supporting strategy of the Governing Authority.
- Oversee Dignity and Respect Policy and receive an annual report on the implementation of The Policy and supporting framework and monitor emerging trends.
- Engage in relevant training in relation to Dignity and Respect and broader equality, diversity and inclusion.
- Approve policy.

9.2 Approaching Facilitated Informal Conversations

Examples of people you can have in attendance with you during a Facilitated Informal Conversation are a HR Manager, the Registrar, a colleague, trade union representative, student or member of the Students Union, or a Dignity and Respect Ambassador.

Where you cannot engage with the person directly, it may be appropriate for your line manager and/or the HR Manager and/or Registrar to engage in the first instance. It is important to note that your line manager and/or the HR Manager and/or Registrar should not take sides or contribute personal opinions at any stage of this process.

Where the Responding Party is the direct line manager of the Reporting Party, it is advised that they seek support from a Dignity and Respect Ambassador whose role will be to engage with the HR Manager and/or Registrar to assign a relevant manager from the Institute to assist with this issue. Where the Responding Party is the HR Manager or Registrar, it would be appropriate in this instance to seek guidance from the EDI Manager.

9.3 Mediation

Mediation is a voluntary, confidential process that allows you to resolve an issue with another individual in a mutually agreeable way with the help of a neutral third party, a mediator. The aim of mediation is to resolve disputes at the earliest possible opportunity and to encourage all involved to resolve their differences without having to go through a formal reports process. Mediation can also be used following an informal or formal intervention to help restore the relationship between both parties. The mediation option is available to both employees and students and will be managed by HR and/or Registry as appropriate. Trained mediators may be appointed either internally or externally as appropriate.

It is important to note that attending mediation does not preclude any other form of dispute resolution, such as a formal investigation. The Dignity and Respect Officer can offer information and guidance in this regard.

With mediation there are no disciplinary outcomes. In the event of the mediation being successful, the parties involved will be provided with a confidential mediation agreement, noting future agreed actions by the mediator directly. HR and/or Registry will be informed as to whether the mediation was successful or not, typically they do not receive any more information than that.

The trained mediator may manage the report by:

- Establishing the facts and context
- Establishing the desired outcomes
- Establishing a satisfactory outcome for all parties

Authoring an informal statement which would be agreed by all parties

9.4 Who to Submit a Formal report to

You should submit a formal written statement as to the nature of the sexual misconduct report, the names of witnesses (if any) to the following:

- If a member of staff, to your Head of Academic Department or Central Service Manager. All managers are trained appropriately and are expected to be available to staff to support any member of staff;
- If a student, to your Tutor or, if preferred, to your Head of Academic Department or to any other Head of Academic Department;
- Your chosen contact person can help you to clarify and submit your report, however you have the right to initiate a formal report without reference to a contact person;
- If your Head of Academic Department or Central Service Manager or Tutor is the person complained of, you should lodge the written report with the member of the Executive to whom the Head of Academic Department/Central Service Manager/Tutor reports;
- All reports received will be treated seriously and sensitively with fairness by the Institute and in as confidential a manner as possible;
- A formal written report in relation to a member of the Executive Team should be addressed to the President.
- A formal written report in relation to the President should be addressed to the Chairperson of the Governing Body.

Once a report has been submitted to the appropriate contact as outlined above, the report will be managed by the HR Manager and/or Registrar as appropriate. They may also be known as the commissioner of the investigation.

All reports will be dealt with fairly and following principles of natural justice; recognising that the Responding Party is innocent until otherwise established; that all parties have access to information, the right to be accompanied, and the right to appeal. Conclusions are reached, based on the facts established and considering the balance of probabilities⁶.

9.5 Preliminary Screening Process

Where appropriate, the Preliminary Screening Panel (consisting of four people in total: three primary senior nominees who will generally be from Human Resources (HR), Equality, Diversity and Inclusion (EDI) Office, the Office of the Registrar and an appointed independent party, if deemed necessary) will initiate the Preliminary Screening Process prior to progressing the report. This will only occur where it is not clear if the alleged behaviour falls under the scope of the definition of sexual misconduct, as defined above. This will be

⁶ Government of Ireland, Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019, p. 28. Accessible at: https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf

dependent upon; the scope and severity of the report made; where the Reporting Party appeals the process, or where an investigation has not been carried out fully.

- The Screening Panel will be informed that a formal report has been made.
- The Screening Panel will be provided with;
 - An anonymised version of the written report
 - The Dignity and Respect Policy
 - The Notes for Discussion form to be completed during the screening process
- The Screening Panel will review the report and will advise the HR Manager/Registrar
 as appropriate as to whether the behaviours set out in the written report fall within
 the scope of behaviours set out in the Dignity and Respect Policy and are within the
 required timeframes.

9.6 Progressing the Formal report

Where it is determined that the report is in scope, the HR Manager and/or Registrar will use the notes for discussion from the Screening Panel to inform their response. This response will acknowledge receipt of report and set out the appropriate course of action. In most cases, the response will be sent within ten working days of receipt of the report. Where an extension is required due to the complexity of the case, the Reporting Party will be advised of the extension.

- Acknowledge receipt of the report and inform Reporting Party that it is within scope of The Policy
- Inform the Responding Party that a report has been made against them
 which falls within the scope of the Dignity and Respect Policy Sexual
 Misconduct. The Responding Party will be provided with a copy of the written
 report
- Advise the Reporting Party and Responding Party of the resolution procedure(s) available to them. This can include a combination of both formal and informal procedures
- Where it has been decided that appointing an external investigator is appropriate, a list of potential external investigators will be drafted by the HR Manager/Registrar and will be passed on to the Reporting Party and Responding Party. Both parties will be asked if there are any existing conflicts of interest with the suggested external investigators. An appropriate decision on who will be appointed to lead the investigation will be thereafter be made.
- Advise on the support services available both internally and externally
- Where a report has also been made to an external third party, any resolution procedures will be paused, and advice will be sought prior to further progression

- Consideration will also be given as to whether member(s) of staff and/or student(s) as appropriate should be placed on garden leave/suspension/transfer of duties or responsibilities from all or part of their duties/programme pending the completion of the investigation.
 - It should be noted that any decision to place a staff member on garden leave/suspension /transfer of duties or responsibilities will not be considered to imply any wrongdoing on the part of any staff member.

9.7 Stages of Formal Investigation

- 1. Where a staff member is implicated in the report, the investigation will usually be carried out by an externally appointed investigator. Where the report involves students only, it is up to the Registrar to appoint the lead investigator. If internally appointed, this investigation will be led by two trained senior members of staff (who will not be of the same gender) appointed by the Institute and will be conducted thoroughly, objectively and with due respect for the rights of the parties involved. The Institute may invite appropriate external persons to constitute or join the investigating team, at any point throughout the investigation.
- 2. Where an investigation is to take place into a report against a Manager, the Institute will appoint a suitable external person or persons to investigate the report.
- 3. Where an investigation is to take place into a report against the President, the Chairperson of the Governing Body, while respecting the rights of both parties, will make the necessary arrangements for the investigation of such a report by either a Sub-Committee of the Governing Body, or an outside person or persons nominated by the Governing Body.
- 4. Every effort will be made to maintain strict confidentiality and proper discretion in the processing and investigation of the allegation. Where it is necessary to interview third parties, the importance of confidentiality will be emphasised.
- 5. At the outset of an investigation, a Terms of Reference will be drafted and shared with both parties.
- 6. Both the Reporting Party and the Responding Party will be advised that there should be no communication between them in relation to the report, or with any witnesses involved in the investigation.
- 7. Interim measures may be put in place which may minimise or avoid contact between the Reporting Party and the Responding Party.
- 8. The investigation team will meet separately with the Reporting Party and the Responding Party.
- 9. Minutes of any meetings held with the Reporting Party and the Responding Party will be shared with them for review and comment after the meeting is held.

- 10. The finalised notes from the meetings with the Reporting Party and Responding Party will be shared with each party for review and response during the investigation process.
- 11. The Reporting Party and the Responding Party will be advised of their right to be accompanied at all interviews (if they so desire) by a person who will normally be internal to the Institute, to include a recognised Trade Union or Students Union Representative, or trusted work colleague. Accompaniment from an external person including legal representation may only be permitted with the approval of the HR Manager and/or Registrar as appropriate. Notification of the name and status of the accompanying person must be provided to the HR Manager and/or Registrar in advance.
- 12. All reasonable steps will be taken to protect individuals who;
 - make a report
 - act as a witness
 - assist with an investigation;

from intimidation, victimisation or discrimination resulting from their involvement with an investigation. Any such resultant intimidation, victimisation or discrimination is itself a breach of the Institute's Dignity and Respect Policy and is a serious disciplinary offence.

- 13. Where specific individuals, including witnesses to particular events, are named in the original written report or the Responding Party's written response, they may also be interviewed. Other relevant persons identified during the investigation who the Investigators believe may be able to assist the investigation, particularly when there is a conflict of evidence, may also be interviewed. There is no requirement for witnesses to be accompanied at interviews as they are not accountable during this process. Witnesses cannot be compelled to give statements; they attend on a voluntary basis.
- 14. Any witness statements taken from individuals will be circulated to both the Reporting Party and the Responding Party for comment and feedback to the Investigators within five working days of the receipt of the copy statement, and before any conclusion is reached by the Investigators.
- 15. The Institute will endeavour to complete an investigation within 30 working days of receipt of the written report from the Reporting Party. However, circumstances may arise which delay this process including, but not limited to, the appointment of external investigators; scheduling conflicts with external investigators; absence of a key witness or participant on leave.
- 16. At all stages of the investigation a clear record of the process will be maintained. At the completion of the investigation a report will be prepared, which will include the terms of reference, the specific nature and details of the report, the response of the Responding Party, the results of the investigation and the conclusion.

- 17. The report will be issued to the commissioner of the investigation (i.e. HR Manager or Registrar).
- 18. The Reporting Party and the Responding Party will each receive a full copy of the investigation report from the commissioner of the investigation and will have the opportunity to comment on the outcome of the investigation before any further actions are taken. Every effort will be made to maintain strict confidentiality and proper discretion in the processing and distribution of the report.
- 19. Depending upon the outcome of the report, commencement of disciplinary procedures may arise in line with the Institute's policies and procedures.
- 20. Where a report is not upheld, no action will be taken against the Reporting Party provided the report was made in good faith.
- 21. If the investigation shows that a false report has been made which is vexatious or malicious or otherwise not made in good faith, then such action will be treated as serious misconduct and the Institute reserves the right to take appropriate disciplinary action against the Reporting Party(s) in such circumstances.
- 22. No employee/student with a genuine report needs fear that their report will results in victimisation or prejudice their future prospects, or ongoing studies with the Institute. Staff are protected from victimisation under the Equality Act, and the Institute will provide similar protections for students.
- 23. After the investigation is complete and the outcome has been considered by both parties, both will have the right to appeal to the President, or other person nominated by the Institute if appropriate, within five working days of the outcome of the investigation having been notified to them.
- 24. Note, internal investigations procedures will be suspended upon the commencement of any external investigation procedures e.g. Gardaí investigation.

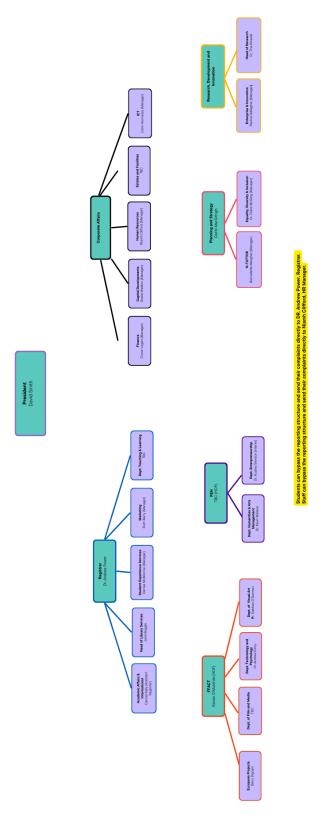
9.8 Post Informal Report Form

YesNo

•	Was th	e informal report from a student or staff member?
	0	Student
	0	Staff Member
•	Was th	e informal report about a student or staff member?
	0	Student
	0	Staff Member
	0	Other
•	Which	of the following did the report relate to?
	0	Bullying and Harassment
	0	Discrimination
	0	Sexual Misconduct
•	If know	vn, what was the gender identity of the Reporting Party?
	0	Male
	0	Female
	0	Non-binary or other
	0	I don't know
•	If known, what was the race or ethnicity of the Reporting Party?	
	0	White Irish
	0	White Irish Traveller
	0	Roma
	0	Any other White Background
	0	Black or Black Irish – African
	0	Black or Black Irish – any other Black background
	0	Asian or Asian Irish – Chinese
	0	Asian or Asian Irish – Indian/Pakistani/Bangladeshi
	0	Asian or Asian Irish – Any other Asian background
	0	Arab
	0	I don't know
•	Did you	u signpost to support services?
	0	Yes
	0	No
•	Did you	u signpost to Dignity and Respect policy/procedure?
	0	Yes
	0	No
•	Does tl	ne individual wish to make a formal report?
	0	Yes
	0	No
	0	Undecided

• Would you like to receive any further training on how to respond to similar disclosures?

9.9 Organisational Chart



9.10 Support Services (Internal - Students)

Student Counselling	Email: studentcounselling@iadt.ie
Student Health Centre	Email: studenthealth@iadt.ie
Students' Union*	Email: president@iadtsu.com
	welfare@iadtsu.com
Equality, Diversity & Inclusion Unit	Email: equality@iadt.ie

^{*}The Students' Union can offer support in a signposting capacity only.

9.11 Support Services (Internal – Staff)

Human Resources and Equality, Diversity & Inclusion

Should the need arise, you can contact the HR Manager to request information on additional supports or special leave types. You can also contact the EDI Manager seeking information on support services at the contact details below.

Human Resource Manager	Email: niamh.clifford@iadt.ie
Equality, Diversity & Inclusion	Email: claire.mcging@iadt.ie
	Email: equality@iadt.ie

Employee Assistance Programme

All IADT staff members can access free mental health support and advice through the Employee Assistance Programme. This service is free and confidential. This means that no other person in IADT will know if you access these supports. The services offered include free counselling with trained professionals.

You can contact the Employee Assistance Programme by calling 1800 995 955.

You can also email the service at this email address: eap@vhics.ie.

To access the brochure containing information on all the services available to you, you can click on the link below.

Link: 10716 Vhi EAP Gen Brochure 955EAP1.indd (iadt.ie)

9.12 Support Services (External)

Sexual Assault & Harassment Supports	
Dublin Rape Crisis Centre	Freephone: 1 800 77 8888
Helpline, Webchat and Therapy National Sexual Violence Helpline	Web: https://www.drcc.ie/support/
Sexual Assault Treatment Units	Web: https://www.hse.ie/satu
Mental Health Supports	
Samaritans	Ph: 116 123
	Email: jo@samaritans.org
Pieta House	Freephone: 1 800 247 247
Aware	Web: https://www.aware.ie/
Domestic Abuse Supports	
Women's Aid	Ph: 1800 341 900
	Email: helpline@womensaid.ie
	Web: www.womensaid.ie
Men's Aid	Ph: <u>01-5543811</u>
	Email: hello@mensaid.ie
	Web: www.mensaid.ie
Migrant & Asylum Seeker Supports	
Cairde	Ph: 01 8552111
	Email: info@cairde.ie
	Web: www.cairde.ie
Is Rainbow Muid – We Are Rainbow	Email: lgbtasylumsupport@lgbt.ie
Support Group (for LGBTI+ Migrants)	Web: "Is Rainbow Muid, We Are Rainbow" Support
	Group - LGBT Ireland
LGBTQ+ Supports	

Gay Men's Health Service	Ph: 1850 24 1850
	Email: hselive@hse.ie
	Web: hse.ie/eng/services/list/5/sexhealth/gmhs
Noticed I CPT Helpline	Ph: 1890 929 539
National LGBT Helpline	FII. 1690 929 559
	Email: info@lgbt.ie
	Web: www.lgbt.ie
	www.igbt.ie
Irish Trans Student Alliance (ITSA)	Email: committee@transstudentsalliance.ie
	Web: www.transstudentsalliance.ie
Transgender Equality Network	Ph: 01 873 3575
Ireland (TENI)	Email: office@teni.ie
	Lindii omecertemie
	Web: www.teni.ie
Supports for Members of the	
Travelling Community	
Trace and a second a second and	
Traveller Counselling & Psychotherapy	Ph: 086 308 1476
Service	Email: info@travellercounselling.ie
	_
	Web: www.travellercounselling.ie
The National Traveller Mental Health	Ph: 01 8721094
Service	
	Email: info@exchangehouse.ie