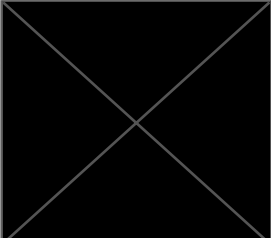


Appendix 4

The Equal Status Acts, 2000-2015 NOTIFICATION

IMPORTANT: This document warns of a possible legal claim. Please read it, and the attached Notes, carefully. The Notes explain what this document is about, explain some of the terms used, and set out the legal requirements this Notification must follow.

From: *(name and address of the “complainant”, the person who thinks they have been discriminated against or otherwise unlawfully treated)*

Name:	John Hamill
Address:	

To: *(name and address of the “respondent”, the person or organisation who the complainant thinks discriminated against them or treated them unlawfully)*

Name:	Fr Paddy Rushe
Address:	Chaplain Dundalk Institute of Technology Dublin Road Dundalk Co Louth A91 K584

1. I think that you have/may have treated me unlawfully by:
(please tick which box or boxes apply)

Discriminating against me,

Harassing me, or allowing me to be harassed

Sexually harassing me, or allowing me to be sexually harassed

Failing to provide me with “reasonable accommodation” [see Notes: only for person with a disability]

Victimising me (*see Notes*)

contrary to the Equal Status Acts, 2000 – 2015.

2. I think that you did so on the following ground(s):

(Please tick whichever box(es) apply)

gender (*male or female*)

civil status (*single, married, separated, divorced, widowed or in a civil partnership*)

family status (*pregnant; parent or acting parent of a child; parent or resident primary carer of a person with a disability who needs continuing care*); (*see Notes*)

sexual orientation (*heterosexual, homosexual or bisexual orientation*)

religion (*religious belief/background or lack of belief*)

age (*18 years of age or over*); (*see Notes*)

disability (*see Notes*)

race (*colour, nationality, ethnic or national origins*)

membership of the Traveller community

victimisation (*see Notes*)

housing assistance (*see Notes*)

3. Details of my complaint are as follows *(include details such as place, date and time when you say the respondent treated you unlawfully, and what you say led up to this treatment):*

Date: 28th January 2020

Time: Not Applicable

Other details:

On 16th December 2019 I wrote to the Chaplain at Dundalk IT, requesting that a non-religious service should be arranged according to the beliefs of my local non-religious group. The letter was delivered by registered post on 17th December 2019. I proposed that the event should take place on 28th January 2020. Even allowing for the closure of the college from 24th December 2019 until 2nd January 2020, this is a notice period of well over 4 weeks. I outlined the theological issues that would be mentioned during the proposed service, and the non-religious perspectives that would be articulated. These perspectives related to theodicy and the efficacy of intercessory prayer in dealing with addiction issues, which is an issue that the Dundalk IT Chaplaincy had already been actively engaged in. The Chaplain has declined to facilitate my non-religious service. In contrast, religious services promoting religious perspectives have been welcomed when they were sought by religious votaries in the catchment area. I believe that this represents unlawful discrimination on the religious ground. Specifically, I believe that the Chaplain has treated me less favourably than religious votaries when similar requests for services were made by them, because the religious votaries have religious beliefs whereas I wish to arrange a service around my non-religious beliefs.

(CONTINUE ON SEPARATE PAGE(S), IF NEEDED)

4. I think that this involved me being treated less favourably than others (on the ground(s) mentioned above) in the following way:

(this section is not needed for harassment or sexual harassment cases)

Dundalk IT provides cultural services towards a broad catchment area that includes my address. As part of the services that the institute provides, the Chaplaincy within Dundalk IT has facilitated Roman Catholic votaries from the catchment area with respect to religious services on campus. In addition, the Chaplaincy has also arranged regular Roman Catholic Mass on campus. In declining to facilitate my non-religious service, I believe that Dundalk IT is treating me less favourably than others because others have a religious belief and I have not.

When I previously made a request for a service in the Quiet Room within the Dundalk IT Chaplaincy, the following purported policy was offered as a reason to exclude me:

"The institute will not facilitate religious and non-religious bodies attempting to use its facilities in the recruitment of students and staff."

It is indeed true that my intention is to use a non-religious service in the Dundalk IT Quiet Room as part of efforts to recruit students and staff. However, this purported policy is clearly bogus. Dundalk IT has been unable to demonstrate where the policy is written down, when it was adopted or

who approved it. Moreover, it is demonstrably the case that Dundalk IT is perfectly willing to facilitate religious bodies in attempting to use its facilities for the recruitment of students. For example, one such event was aimed at the promotion of Islam towards students, and Roman Catholic Mass is also regularly provided on campus. It is not open to Dundalk IT to facilitate such events arranged by those with religious beliefs, while excluding events proposed by those with non-religious beliefs.

When I previously made a request for a service in the Quiet Room within the Dundalk IT Chaplaincy, the following purported policy was also offered as a reason to exclude me:

"Requests for a religious or non-religious service must come from student or staff bodies ..."

This purported policy is clearly bogus. Dundalk IT has been unable to demonstrate where the policy is written down, when it was adopted or who approved it. Moreover, it can easily be demonstrated that no such policy exists, since Dundalk IT has previously received a request from a Dundalk IT student for a service on campus to be provided by my group. In that instance, Dundalk IT differentiated between various students enrolled in the same part-time course, based explicitly on their beliefs about religion. For the students in the class who had Roman Catholic beliefs, Dundalk IT offered them access to Roman Catholic services in the Dundalk IT Chaplaincy. In contrast, other students in exactly the same class who had paid exactly the same fees to enrol in exactly the same course, could have

access no services in the Chaplaincy, even when they explicitly requested a non-religious service based on their non-religious beliefs. In addition, I note that the Dundalk IT Undergraduate Mini Guide for 2019-2020 states that the *"DkIT Chaplaincy is available to all students..."*.

As part of the services provided by Dundalk IT that are aimed at promoting cultural development across their catchment area, Dundalk IT has previously invited representatives of religious bodies in the region to provide services on the campus. For example, Dundalk IT arranged a visit to the campus for Archbishop Eamon Martin, after His Excellency reported to the Chaplain that he was *"doing a tour of the area"*.

Notwithstanding this, when I previously made an almost identical request for a service in the Quiet Room within the Dundalk IT Chaplaincy, the following purported policy was offered as a reason to exclude me:

"... the institute does not deal with requests from any outside bodies or individuals for use of these facilities."

This purported policy is clearly bogus. Dundalk IT has been unable to demonstrate where the policy is written down, when it was adopted or who approved it. Moreover, any such policy would clearly be contrary to the Mission Statement agreed with the HEA. It is not open to Dundalk IT to facilitate events for outside bodies because they are religious, while excluding equivalent events for other outside bodies because they are non-religious.

In my application of 16th December 2019, I made the content of my proposed non-religious service very clear. Dundalk IT has neglected to facilitate my request for a non-religious service, even though very similar requests for religious services were facilitated. I believe that declining to permit a non-religious service according to my written 16th December 2019 request, represents unlawful discrimination against me on the religious ground, since I have been treated less favourably than others because others have religious beliefs whereas I have non-religious beliefs.

5. Please reply explaining why you treated me as you did. ↓

attach Form ES.2, which can be used to reply.

6. Request for other information:

(If the complainant is not using this section, please go directly to next page)

Please reply in writing to the following questions which are relevant to my case:
(List your questions here, please number each one).

1.

The Chaplaincy at Dundalk IT has facilitated many religious services, including religious services for external religious bodies. Specifically, the Chaplaincy at Dundalk IT has promoted Roman Catholic beliefs and facilitated religious services for external bodies to promote Roman Catholic beliefs on campus. Has the Chaplaincy at Dundalk IT ever facilitated any non-religious service from any external non-religious

body, which described non-religious beliefs that are explicitly opposed to Roman Catholic beliefs?

2.

Does Dundalk IT have a policy of excluding the non-religious who are opposed to Roman Catholic beliefs, and are the cultural services provided towards the institute's catchment area limited only to those in the catchment area who have religious beliefs?

3.

Whereas the Dundalk IT Chaplaincy has arranged a very large number of Roman Catholic Services; and whereas the Dundalk IT Chaplaincy has declined to arrange my non-religious service; is there any objective reason to explain this less favourable treatment of me, other than the fact that I have no religious beliefs while those who have been permitted to arrange services have religious beliefs?

4.

Dundalk IT teaches an academic course that includes content relating to addiction issues. Is it the policy of the Dundalk IT Chaplaincy to only facilitate services that promote intercessory prayer as an effective way to deal with these issues, while excluding services which question the efficacy of such intercessory prayer?

7. Please note that I intend to seek redress under the Equal Status Acts 2000-2015. If I am not satisfied with the reply I receive, or if you fail to reply within a month after it was sent to you.

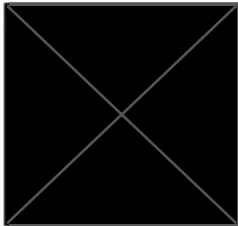
Please send your reply to me at the address written below.

Signature of Complainant *(or their representative)*:

.....

Date: 28th January 2020

Contact Address:



NOTE TO THE PERSON RECEIVING THIS NOTIFICATION:

More information in relation to employment, equality and industrial relations legislation can be found on www.workplacerelations.ie or by telephoning the information line on 1890 80 80 90. You can also get the following information:

- A reply form ES.2
- Explanatory notes "Information on receiving a Form ES.1, or using Form ES.2"
- Procedures in the Investigation of Employment and Equality Complainants.