



Sexual Violence and Harassment (SVH) Policy for Students and Staff

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1. Introduction

1.1 Purpose

- 1.1.1 The purpose of this policy is to outline how University of Limerick (UL) will
- strive to provide a campus environment in which all members of our community feel safe and are respected
 - support staff and students who have experienced any form of sexual harassment or sexual violence
 - respond to disclosed incidents that breach this policy
- 1.1.2 We recognise the profound effect that incidents of an inappropriate sexual nature can have on the lives of our staff and students. We are dedicated to creating an institutional culture that will not tolerate or accept any form of sexual harassment or sexual violence. We want our staff and students to feel safe and supported and trust that we will listen to them, support them in whatever way we can and help them address the unwanted behaviour.
- 1.1.3 This UL Sexual Violence and Harassment (SVH) Policy should be read in conjunction with the [UL Sexual Violence and Harassment \(SVH\) Procedure](#).

1.2 Scope

- 1.2.1 This policy relates to all incidents of sexual violence and sexual harassment as well as coercive or controlling behaviour, complicity and retaliation, and vexatious and malicious reporting.

- 1.2.2 To whom does this policy apply?

This policy applies to those who experience sexual harassment or sexual violence in the course of their study or work at UL where the respondent is a member of the UL community.

The UL community includes

- all UL employees, whether part-time or full-time, permanent or temporary
- all registered students of UL
- registered students undertaking employment-related activities
- Governing Authority
- non-UL employees who work or engage with UL employees and students in the course of their work, such as those from associated or subsidiary companies, including UL Student Life, Unijobs, University Concert Hall, Plassey Campus Centre and UL Arena. Refer to 'Staff employed by a UL subsidiary/associated company' below for more information.

Other categories to whom this policy may apply:

- All third-party contractors in all areas of UL operations and programmes, irrespective of contract
- All persons conducting teaching and/or research at or under the auspices of UL, including visiting faculty and researchers, consultants, Emeritus, adjunct appointments, external examiners and research fellows
- UL Alumni and past employees (where the incident or behaviour occurred during the course of study or work at UL and in which the responding party is a **current** student or staff member of UL)

Staff employed by a UL subsidiary or associated company

- Where a UL employee or student wishes to make a report of sexual harassment or sexual violence against an employee of a UL subsidiary or associated company, the relevant policies of the subsidiary or associated company will normally apply.

- Where an employee of a UL subsidiary or associated company wishes to make a report of sexual harassment or sexual violence against a UL employee or student, this policy will normally apply.
- In some situations, based on the circumstances of the case, UL and the UL subsidiary or associated company may need to agree on who should lead the investigation process and which policy should apply in the circumstances. In this instance, a protocol shall be put in place between UL and the subsidiary/associated company to ensure appropriate oversight.

What happens if the respondent is not a student or staff member of the UL community?

If the respondent is, for example, a volunteer, a contractor (or person employed by a contractor) or another individual engaged by UL, we will consider the circumstances and shall take action deemed to be appropriate in the circumstances. UL will be restricted in the action it can take where the respondent is not a UL staff member or a student and, as such, is not subject to all UL policies and procedures, such as disciplinary procedures.

If the respondent is not a person engaged by UL, we will offer whatever support necessary to the person who raised the issue (the complainant) and will support the complainant in liaising with the Gardaí, should that person choose to do so.

What happens if the complainant is not a student or staff member of the UL community?

Where a report is made by a person who is not a UL student or staff member against a UL student or staff member, we will consider the circumstances of the report and shall take appropriate action in the circumstances.

1.2.3 In what situations does this policy apply?

The UL Sexual Violence and Harassment (SVH) Policy and accompanying procedures apply to all areas of UL operations and programmes. It includes conduct that takes place

- on our campus
- at other places where our employees or students are engaged in a UL connected and approved activity
- at official events such as UL-approved social functions, conferences, sporting events, field trips or work assignments that relate to UL or are connected to and approved by UL
- in relation to UL Student Life/PSU activities, including clubs and societies events and when fulfilling leadership roles

Where the conduct is not connected to UL activities, such as at any non-UL gathering or activity, whether they occur on or off campus (including social gatherings involving students and staff members), this policy shall be applied where it is considered appropriate to do so having regard to the particular circumstances, including, but not limited to

- (i) the nature of the issue(s) raised
- (ii) the extent of any ongoing interaction between the individuals concerned in the UL setting
- (iii) the potential impact on the safety, health and wellbeing of the individuals concerned and other members of the UL community

1.2.4 A review of each complaint will be undertaken by the Screening Panel to determine which institutional policy it aligns to. See section 3.3 below for details on the Screening Panel.

1.2.5 Be advised that

- (i) UL shall “respect the right of both parties to access legal representation”¹
- (ii) In exceptional circumstances, UL is obligated under law to report complaints or disclosures of sexual harassment or sexual violence to the Gardaí contrary to the wishes of the complainant when
 - (a) the alleged incident has been committed against a child under the age of 18 years
 - (b) the alleged incident has been committed against a vulnerable person
 - (c) UL considers there to be a clear and imminent risk to the safety of the complainant, any other person on campus or any other person to whom UL owes a duty (of care)
- (iii) Any disclosures or reports made under this policy are not limited to UL premises or to the immediate geographical location of UL

1.2.6 Students on Placement or Internship

Where a UL student on placement or internship in another organisation wishes to make a formal complaint of sexual harassment or sexual violence against an individual in that organisation, the dignity and respect policies (or equivalent) of that organisation will apply.

Where a UL student on placement or internship in another organisation has a formal complaint of sexual harassment or sexual violence made against them, the dignity and respect policies (or equivalent) of that organisation will usually apply. The complainant can also make a report to UL, which can investigate the complaint through the SVH procedure.

Where a UL student on placement or internship in another organisation makes a formal complaint of sexual harassment or sexual violence against another UL student on placement or internship in that organisation, this UL policy will apply, and the policy of that organisation may also apply.

In some situations, based on the circumstances of the case, UL and the host organisation may need to agree on who should lead the investigation process.

1.2.7 Staff on Secondment

Where a UL employee is on secondment (i.e., on assignment to another organisation for a temporary period) and wishes to make a complaint of sexual harassment or sexual violence against an individual in that organisation, the relevant policies of that organisation will apply.

Where a UL employee on secondment in another organisation has a complaint of sexual harassment or sexual violence made against them by an employee within that organisation, the UL employee will be subject to the relevant policies of that organisation. The UL staff member will be offered support if requested.

Where a UL employee on secondment in another organisation makes a complaint of sexual harassment or sexual violence against another UL employee also on secondment in that organisation, they will be subject to UL policy, and they may be subject to the policy of that organisation also. In some situations, based on the circumstances of the case, UL and the host organisation may need to consider the circumstances to determine which is the most appropriate policy on which to base the investigation and reserve the right to investigate the matter as considered appropriate in the circumstances.

1.2.8 Timeline

There will be no time limit regarding the making of formal complaints or disclosures to UL under this policy. The focus will not be on the length of time that has passed since the

¹ Source: Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019, pp. 28 (<https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf>)

incident but rather on the impact of the delay on the likelihood of a fair investigation being carried out. Based on the information received as part of the investigation, the investigator can recommend that by reason of the passage of time and taking into account the following considerations, a fair investigation would not be possible:

- The circumstances of the alleged complaint
- The complexity of the alleged complaint
- The cause of the delay
- The possibility of prejudice to the respondent

Please note that it would not be possible to investigate a case involving a person who is no longer affiliated to UL as a member of staff or student as the person would be under no obligation to participate in a UL investigation. In these instances, the relevant signposts shall be provided should the complainant wish to pursue a criminal investigation.

1.2.9 Anonymous Complaints

We understand that making a formal complaint of breaches of this policy will be extremely difficult. However, to ensure fairness to all parties involved and to ensure due process, we cannot accept complaints or testimonies from anonymous persons. Investigations into anonymous complaints are often limited, inconclusive and may be unfair to the person against whom the anonymous complaint is made. Anonymous complaints will be noted and filed, and, where possible (i.e. if contact details are available), we will encourage the complainant to come forward.

We reserve the right, in exceptional circumstances, to carry out a preliminary investigation pertaining to child protection, vulnerable persons or someone in immediate danger.

1.3 Definitions

1.3.1 This policy applies to

- (i) sexual harassment
- (ii) sexual misconduct
- (iii) sexual violence

Sexual harassment is defined under the Employment Equality Acts 1998–2023 as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Many forms of behaviour can constitute sexual harassment. A single incident can constitute sexual harassment. Sexual harassment includes behaviours like those in the following list, which is illustrative and not exhaustive:

- Physical conduct of a sexual nature – this may include unwanted physical contact such as unnecessary touching, patting, pinching or brushing against another person’s body; assault; and coercive sexual intercourse.
- Verbal conduct of a sexual nature – this includes unwelcome sexual advances; sexual comments made to others to embarrass an individual by singling them out; propositions or pressure for sexual contact; continued suggestions for social contact after it has been made clear that such suggestions are unwelcome, unwanted or offensive; suggestive remarks, innuendo or lewd comments.
- Non-verbal conduct of a sexual nature – this may include the display of pornographic or sexually suggestive pictures or objects. It may also include graffiti, written materials, emails, text messages, social media posts, stalking, indecent exposure, leering, whistling or making sexually suggestive gestures.

- Gender-based conduct – this includes conduct that denigrates or is abusive of a person for reasons related to their sex, such as derogatory or degrading abuse or insults that are gender based. This might include conduct that insults or degrades a person because they are pregnant or because they are a member of the LGBTQIA+ community, etc.

The Employment Equality Acts do not prohibit all relations of a sexual or social nature at work. To constitute sexual harassment or harassment, the behaviour complained of must firstly be unwanted. It is up to each person to decide, irrespective of the attitudes of others, (a) what behaviour is unwanted and (b) from whom such behaviour is welcome or unwelcome. The fact that an individual has previously acceded to the behaviour does not stop them from deciding that it has become unwanted. It is the unwanted nature of the conduct that distinguishes sexual harassment and harassment from behaviour that is welcome and mutual.

The intention of the perpetrator of the sexual harassment is irrelevant. The fact that the perpetrator has no intention of sexually harassing or harassing the person is no defence. The effect of the behaviour on the person is what is determinative.

Sexual misconduct is defined² as “any form of unwelcome behaviour of a sexual nature that may be subject to disciplinary proceedings. This includes 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 sexual abuse material online or offline, stalking behaviours whether online or offline in a sexual context, and any verbal or physical harassment in a sexual context.”

Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different genders. It is often gender targeted and perpetrated to demean, diminish and intimidate. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. (Throughout this policy, reference to ‘sexual harassment’ can be taken to include ‘sexual misconduct’.)

Sexual violence is any form of sexual activity or act that is unwanted and that occurs without consent. Acts of sexual violence may constitute a criminal offence. The link to follow explains how sexual violence offences are defined in Irish law: <https://www.gov.ie/en/policy-information/29648-sexual-violence/#what-is-sexual-violence>

The following are examples of sexual violence (not an exhaustive list):

- Rape
- Sexual assault
- Attempting to engage in sexual intercourse or engaging in a sexual act without consent
- Unwanted strangulation during sexual intercourse
- Inappropriately showing sexual organs to another person
- [Stalking behaviours](#), whether online or offline, which are now being considered to be criminal acts. Details of this can be found in the [Criminal Justice \(Miscellaneous Provisions\) Act 2023](#)
- Non-consensual taking or sharing of intimate images or recordings
- Creating, accessing, viewing or distributing child sexual abuse material online or offline
- Controlling, coercive and threatening behaviour

Both sexual harassment and sexual violence can be committed person to person or by communicative means such as written correspondence, telephone, text, email, social media

² Source: Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019, pp. 14 (<https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf>)

or other electronic means. SVH includes sexual cyberbullying of any kind, such as non-consensual taking or sharing of intimate images; creating, accessing, viewing or distributing child sexual abuse material online or offline; stalking behaviours, whether online or offline in a sexual context; and any verbal or physical harassment in a sexual context.

1.3.2 Coercive or Controlling Behaviour

Coercive control is a pattern of behaviour used by an individual to dominate, manipulate and exert power and control over another person in an intimate or close relationship. This term is often associated with domestic abuse and is recognised as a form of psychological and emotional abuse. Coercive control typically involves a wide range of tactics and behaviours aimed at diminishing the victim's autonomy and independence, making them feel trapped, fearful and unable to escape the abusive relationship. Coercive control is a criminal offence in Ireland (section 39 of the Domestic Violence Act 2018).

1.3.3 Complicity

Complicity is defined as any act that knowingly helps, promotes or encourages any form of sexual harassment or sexual violence by another person.

1.3.4 Consent

Consent is the ongoing, mutual and freely given verbal or non-verbal communication of a decision or feeling of willingness to engage in sexual activity where the person has both the freedom and the capacity to make that decision. This is consistent with the definition of consent in the Criminal Law (Sexual Offences) Act 2017, where an individual "freely and voluntarily agrees to engage in that act".

Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time, both before or during the sexual activity.

Freedom to consent: For consent to be present, the individual has to freely engage in a sexual act. Consent is not present when it arises from the exploitation of power or coercion or force, regardless of whether there is verbal or physical resistance.

Coercion or force includes any physical or emotional harm or threat of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm, intimidation, manipulation or blackmail with the result that the individual feels compelled to engage in a sexual act.

Capacity to consent: Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation may occur when an individual is asleep, unconscious, semi-conscious or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability or as a result of alcohol or drug use.

Alcohol or drug use: Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol or drugs have affected the individual. Signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and an inability to communicate effectively. Intoxication is never a defence for committing an act of sexual violence or sexual harassment or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is to not engage in a sexual act.

Individuals who have experienced sexual harassment or sexual violence while under the influence of alcohol or drugs should not be discouraged from coming forward and reporting

the incident to UL because of a fear of being disciplined or judged for having consumed alcohol or drugs. No judgment will be made by UL but rather the focus will be on the full circumstances and the nature of the alleged behaviour. At UL, we use the OMFG model of consent, which says that consent is **ongoing, mutual and freely given**.

1.3.5 Disclosure

For the purposes of this policy, disclosure involves an individual choosing to disclose to UL that they feel they have been subjected to sexual harassment or sexual violence. Making a disclosure is not the same as making a formal complaint. Unlike a formal complaint, a disclosure does not of itself trigger an investigation or any action (other than in exceptional circumstances where UL has a reporting obligation in relation to children and vulnerable persons – see section 8 below for more information on this). A disclosure does, however, trigger a process of signposting supports available to the complainant.

1.3.6 Formal Complaint

A person makes a formal complaint when they make a statement about sexual harassment or sexual violence to UL and requests that the University take action. The formal complaint will then be considered in accordance with this policy.

1.3.7 Informal Resolution

In certain cases, those who want to make a complaint about the behaviour of another person may wish to resolve the matter informally. The informal procedure would apply where the complainant does not want to pursue a formal investigation but wants the inappropriate behaviour to stop and may want to put measures in place to support this. This may arise where the allegations are not of a serious nature. Examples of less serious behaviour might include unwelcome comments, jokes, gestures of a sexual nature, or problematic language.

1.3.8 Precautionary Measures

When a formal complaint of sexual harassment or sexual violence is made to UL, reasonable precautionary measures may be put in place pending the outcome of the UL or criminal investigation process. A precautionary measure is neither a sanction nor a pre-determination that a breach of discipline or a criminal offence has occurred. Precautionary measures must be reasonable and proportionate and are put in place to protect the best interests of all parties involved. Precautionary measures may include, but is not limited to:

- Imposing conditions on the respondent (for example, requiring the respondent not to contact the complainant and/or certain witnesses and/or requiring the respondent to remain out of certain libraries, restaurants, bars, clubs and societies, social spaces etc.)
- Making appropriate accommodation arrangements to ensure separation between the respondent and complainant in student residential settings.
- Making appropriate arrangements to ensure separation of the respondent and complainant in delivery of teaching and supervision (for example, moving the respondent into another tutorial group or laboratory group).
- Suspending a student respondent from their studies or make alternative tuition arrangements (in the case of alleged sexual violence or harassment by a student). Suspension means that the student is prohibited from participating in the academic activity of the University and the student's registration on his/her course is put on hold. A qualified or partial suspension may be put in place where appropriate.
- Placing a staff member concerned off duty (in the case of alleged sexual violence or harassment by a staff member).
- Excluding/restricting the person concerned (for example, prohibiting the person concerned from going to certain accommodation blocks or using the sports facilities or

from attending a placement). Exclusion means that the student is prohibited from taking part in certain university activities, using certain university facilities and/or entering certain university grounds or premises. A qualified or partial exclusion may be put in place where appropriate.

The University provides that precautionary measures may only be put in place if they are proportionate and necessary to:

- Ensure that a full and proper investigation can be carried out (either by the Garda Síochána or a University investigator); and/or
- Protect the complainant or others whilst the allegation is being dealt with as part of a criminal process or disciplinary process.

1.3.9 Complainant

The complainant is the person who makes a formal complaint of sexual harassment or sexual violence.

1.3.10 Respondent

The respondent is the person against whom a formal complaint of sexual harassment or sexual violence has been made.

1.3.11 Retaliation

Any words or actions, including intimidation, threats or coercion, made in response to disclosures or formal complaints made under this policy by any individual, including the complainant, respondent, witnesses, friends or relatives, is considered to be retaliation.

1.3.12 Vexatious or Malicious Reporting

UL recognises that there are other types of behaviour that potentially could amount to a breach of this policy and that will need to be dealt with under the relevant disciplinary procedures, although the likelihood of these types of behaviour is very low. They include

- (i) vexatious reporting, which involves the creation of persistent, unwarranted or unfounded reports made under this policy or a refusal to accept a reasonable decision arising from the application of the [Sexual Violence and Harassment \(SVH\) Procedure](#)
- (ii) malicious reporting, which occurs when a person makes allegations of sexual harassment or sexual violence that the individual knows to be untrue

2. Policy Statements

2.1 Promoting Positive Sexual Consensual Behaviour

UL places its students and staff at the heart of its mission so that it is a university where every student and staff member can thrive, flourish and develop to their full potential. Through our ethos and policies, we hope to promote and support positive sexual consensual behaviour through education programmes and a preventative ethos of mutual support and respect.

2.2 SVH-Free Environment

UL will not tolerate any form of sexual harassment or sexual violence in its community and, together with its staff and students, has a responsibility for ensuring the environment is free from any form of SVH. When such behaviours are found to have occurred, they are deemed by UL to amount to a breach of discipline and a failure to meet the required standard of

conduct. This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all members of the UL community.

2.3 SVH Prevention and Response Manager

To further support this policy, UL appointed a [Sexual Violence and Harassment \(SVH\) Prevention and Response Manager](#) as a first point of contact. In addition, to support students who have experienced or are currently experiencing incidents of sexual harassment or sexual violence, the University set up a Student Designated Contact Persons Panel and trained staff to be members of the panel. Previously appointed Designated Contact Persons will continue to provide a voluntary informal resource for confidential support and information for staff where such cases arise. Designated Contact Persons for staff and students are trained to listen, to be supportive and to discuss the various options that are open to the person concerned. However, Designated Contact Persons do not get involved in any way in the complaints procedure and are not advocates for either party. Access to Designated Contact Persons is available to both the complainant and respondent.

2.4 Best Practice

This policy was developed in line with best practice nationally and internationally and through extensive internal and external consultation with experts in the area of dignity and respect. In particular, the policy and related procedures were informed by the [Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions](#) (2019) national framework, which promotes a healthy and informed understanding of consent and relationships in higher education institutions (HEIs). The purpose of the national framework is to ensure that all HEIs have appropriate policies in place to address and effectively respond to reports or complaints of SVH. The UL policy and procedures were also informed by the Irish Universities Association's [How to Respond to Alleged Staff or Student or University Related Sexual Misconduct](#) (2020).

2.5 Culture of Dignity and Respect

This policy is one element of a broad framework to promote a culture of dignity and respect at UL. The framework will include, but will not be limited to, targeted training for key roles (e.g. the SVH Prevention and Response Manager), an ongoing campus-wide awareness-raising campaign and preventative training programmes, and dedicated full-time and (part-time/voluntary) support roles.

2.6 Complaints Process

UL encourages all individuals to come forward to seek support and assistance in relation to issues of sexual harassment or sexual violence. UL will act sensitively, and complaints will be carefully and respectfully addressed through a process that is transparent and clearly communicated to all individuals involved. Refer to the [UL Sexual Violence and Harassment \(SVH\) Procedure](#) for details on the complaints process.

3. Key Roles and Responsibilities

3.1 SVH Prevention and Response Manager

The SVH Prevention and Response Manager will act as a first point of contact to offer support and information to those who have experienced or are currently experiencing incidents of sexual harassment or sexual violence, including both staff and students.

3.2 Student Designated Contact Person

The [Student Designated Contact Person](#) (SDCP) offers support to students who are currently or have previously experienced incidents of SVH. The SDCP will signpost information relating to internal and external supports. SDCPs have received specific training that enables them to act as a point of contact for students affected by SVH and to listen in a non-judgmental manner.

3.3 Screening Panel

- 3.3.1 The Screening Panel will comprise senior staff members from Human Resources (HR), Student Affairs and the Office of Human Rights, Equality, Diversity and Inclusion. The panel may include, as required, a representative from an external agency with relevant experience in the area.
- 3.3.2 To consider a complaint, the Screening Panel must have a quorum of three members, including a senior staff member from Student Affairs where a student is involved and a senior staff member from HR where a staff member is involved.
- 3.3.3 All members of the Screening Panel will receive specific SVH training, including trauma awareness training and sexual violence training.
- 3.3.4 All members of the Screening Panel will be completely independent of any other part of the SVH complaints procedure.
- 3.3.5 The Screening Panel will meet to review the [Complaint Form](#) (Appendix B of the UL Sexual Violence and Harassment (SVH) Procedure) and make a decision as to whether the alleged behaviour falls within the scope of this policy.
- 3.3.6 The role of the Screening Panel is to
- review and consider the Complaint Form
 - outline its decision in writing and the reasons it reached that decision
 - recommend alternative applicable UL policies or procedures, such as the Workplace Dignity and Respect Policy, Student Dignity and Respect Policy, UL Acceptable Behaviour Policy or Student Code of Conduct, if the complaint is not deemed to fall within the scope of this policy
 - consider situations where more than one UL policy or procedure applies to the complaint and then decide which policy or procedure is the most appropriate one to follow in the circumstances
 - recommend, if appropriate, to the Provost & Deputy President or Director of Human Resources that precautionary measures, which could include suspension, should be considered based on the information set out in the Complaint Form. In making its decision, the Screening Panel will rely on the information set out in the Complaint Form but reserves the right to request further information or, if required, to seek clarification or professional advice.
- 3.3.7 It is not expected that the Screening Panel will meet any party except under exceptional circumstances.
- 3.3.8 Decisions of the Screening Panel should not be taken to be a predetermined outcome of the findings of an investigation. An investigator may subsequently find that a report was not, in fact, in scope.

3.4 Investigator

The investigator is the person or persons appointed to carry out the investigation of the complaint in accordance with this policy and related procedures. The investigator will have the right to continue an investigation in parallel with another investigation of the same

individual. An example of this is a claim made regarding inappropriate behaviour, e.g. bullying or harassment.

4. Supports

4.1 Internal and External Supports

When a person experiences behaviour relating to SVH, it is very important that they talk to someone and access appropriate supports. Whether or not a person wishes to make a formal complaint following an incident of sexual harassment or sexual violence, UL encourages them to come forward and avail of the range of supports available.

Refer to Appendix A for a full list of internal and external supports.

4.2 Related Policies

UL has a number of other policies that formally address these and other forms of harassment, bullying and discrimination, including

- [Policy and Procedures for Workplace Dignity and Respect](#)
- [Policy and Procedures for Student Dignity and Respect](#)
- [Student Code of Conduct – Handbook of Academic Regulations and Procedures](#)
- [UL Acceptable Behaviour in the Workplace Policy](#)
- [UL Child Safeguarding Statement](#)

4.3 Options Available to the Complainant

4.3.1 UL will not put pressure on a complainant to take a particular course of action and will support and respect the decision of the complainant on whether or not to make a formal complaint. UL will assist its students and staff to understand the various options available to them and support them in making a decision.

4.3.2 The key decisions for a complainant to make will usually be as follows:

- (i) Take some time to consider the options. Where appropriate, UL will provide advice about attendance at the nearest Sexual Assault Treatment Units (SATU), which can allow for forensic evidence to be collected while a decision is being made about whether or not to make a report to the Gardaí. Forensic samples should be collected as soon as possible but can be collected within seven days and can be stored by the SATU for up to one year.
- (ii) Not report to the Gardaí but request UL to consider the matter under its internal procedures.
- (iii) Make a report to the Gardaí if the matter might amount to a criminal offence.
- (iv) Report the matter to UL and the Gardaí such that a criminal investigation/prosecution and UL's internal procedures can both be commenced.
- (v) Make an anonymous report using UL's [Speak Out Tool](#).
- (vi) Take no further action.

4.3.3 UL reserves the right in exceptional circumstances (where a legitimate concern arises for UL having regard to its broader obligations in relation to the safety, health and welfare of others) to take formal action in cases where a complainant chooses not to pursue a formal complaint.

5. Confidentiality

5.1 Key Principle

Confidentiality is a key principle of this policy and is essential to the integrity of a formal complaints process. All individuals involved in any process under this policy must keep information that is disclosed to them as part of the process confidential with the exception of accessing confidential support services or otherwise as required by law, as outlined above. Any unauthorised disclosure of confidential information will be considered a breach of this policy and will be addressed accordingly. Throughout all proceedings, UL will act in accordance with its obligations under the Data Protection Acts 2003–2018.

5.2 Maintaining Confidentiality

Confidentiality will be maintained, where possible, throughout the disclosure, reporting and investigative processes in recognition of the sensitive nature of SVH matters. UL reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider UL community from harm or to prevent a crime from taking place. Such incidents include those involving children or vulnerable persons and where someone is in immediate danger.

6. Reporting a Complaint Outside UL

6.1 Reporting a Complaint to Gardaí: Staff

Where the behaviour complained of under this procedure amounts to a potential criminal offence, the complainant can report the matter to the Gardaí. In this instance, UL should also be informed so that it can take appropriate measures to support and assist where possible.

If the complainant does not want to bring a complaint to the Gardaí but does want UL to formally investigate the complaint, the internal investigation can proceed.

6.2 Reporting a Complaint to Gardaí: UL

Only in the most exceptional circumstances will UL report a complaint, formal complaint or disclosure of sexual harassment or sexual violence to the Gardaí contrary to the wishes of the complainant. Such circumstances include where a minor or vulnerable person is involved or in danger; where UL has clear evidence of wrongdoing that is separate to the complaint itself; or where UL considers there is a clear and imminent risk to the safety of the complainant, colleagues or a third party.

6.3 Notifying Legal or Regulatory Authorities

Furthermore, the nature of the complaint may mean that it is necessary for UL to notify legal or regulatory authorities, which may require the University to comply with an investigation being carried out by a legal or regulatory authority. Such an investigation may take precedence over UL's procedures. If this happens, UL's procedures may continue in parallel or may have to be suspended until after the completion of the legal or regulatory process.

7. Victimisation

Complainants will not be penalised, treated less favourably or subject to other adverse treatment because of pursuing rights by way of taking action, supporting action or giving notice of intention to take or support action under this policy.

Victimisation or retaliation against a complainant, witness or any other party will constitute a serious disciplinary offence and may result in disciplinary action up to and including expulsion.

8. Monitoring and Reporting

While still protecting anonymity, UL will use data relating to complaints and reports of sexual harassment and sexual violence to inform the development of initiatives and activities aimed at preventing such behaviour, enhancing supports, and promoting a safe and respectful campus environment for all members of the UL community.

9. Reporting Obligations

Under the reporting responsibilities of the [Children First Act 2015](#), the [Children First National Guidance](#), [UL's Child Safeguarding Statement](#) and the principles of natural justice, UL is obliged to report any disclosures of child sexual abuse, assault, ill-treatment or neglect of children to TUSLA. Any person to whom such a report is made should contact the UL SVH Prevention and Response Manager or a Student Designated Contact Person for information on the reporting process.

UL also has a reporting obligation under the [Criminal Justice Withholding of Information on Offences Against Children and Vulnerable Persons Act 2012](#). The Act makes it a criminal offence to withhold information relating to the commission of a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person.

10. Data Protection

[Data privacy statements](#) for employees and students on the UL website explain how the University uses personal data. A specific Data Protection Notice was developed for this policy, which explains how UL will use personal data collected from complainants, respondents, witnesses or any other person involved in a formal report under this policy. The notice can be found at the bottom of the [Sexual Violence & Harassment Formal Complaint Form](#).

11. Timeframe

UL will endeavour to adhere to all timeframes set out in both this policy and the [Sexual Violence and Harassment \(SVH\) Procedure](#). However, in exceptional cases, these timeframes may be extended due to circumstances beyond our control, such as resource constraints (i.e. staff) or external factors.

12. Review

UL is committed to reviewing this policy on a biannual basis in line with changes in the law, relevant case law and feedback from people's experiences.

13. Related Documents

- [UL Sexual Violence and Harassment \(SVH\) Procedure](#)
- [Policy and Procedures for Workplace Dignity and Respect](#)
- [Bullying, Harassment, Sexual Harassment and Sexual Violence Formal Complaints Procedure](#)
- [Policy and Procedures for Student Dignity and Respect](#)

- [Student Code of Conduct – Handbook of Academic Regulations and Procedures](#)
- [UL Acceptable Behaviour in the Workplace Policy](#)
- [UL Child Safeguarding Statement](#)

Appendix A: Supports

Internal Supports

Service	Phone	Website or email address
Student Health Centre	061-202534	Student Health Centre
UL Student Counselling & Wellbeing Service	061-202327	Student Counselling and Wellbeing Service
Sexual Violence and Harassment Prevention and Response Manager		maria.healy@ul.ie
Students' Union Advocacy & Advice		AdviceHub@ul.ie
Postgraduate Students' Union		psu@ul.ie
Student Designated Contact Persons Panel		Student Designated Contact Persons Panel
UL Campus 24-Hour Emergency	061-213333 (ext. 3333) 061-202700	UL Security
UL Campus Security	061-234600	UL Security
Chaplaincy		Chaplaincy john.campion@ul.ie sarah.orourke@ul.ie
Employee Support Service	Freephone: 1-800-201346	Employee Support Service
Image Based Sexual Abuse – Report & Support		Hotline.ie
Rape Crisis Midwest	061-311511	info@rapecrisis.ie
Free Crisis Textline	Text UL to 50808	
Student Information & Support Coordinators	061-202324	studentsupport@ul.ie

External Supports

Service	Phone	Website or email address
Text 50808	Free 24/7 support in a crisis: Text HELLO to 50808	https://text50808.ie/
Samaritans	National Helpline: 116-123	https://www.samaritans.org/ireland/samaritans-ireland/
Rape Crisis Midwest	1800-311511 *086-8238443 (text only)	Home Rape Crisis Midwest
Dublin Rape Crisis Centre	24-hour helpline: 1800-778888	Your local rape crisis centre/network: https://www.rapecrisishelp.ie/find-a-service/ https://www.drcc.ie/

HSE		https://www2.hse.ie/services/sexual-assault-treatment-units/rape-sexual-assault-where-to-get-help.html
University Hospital Limerick	061-301111	
Sexual Assault Treatment Units		https://www2.hse.ie/sexual-assault-treatment-units/
Women's Aid	24-hour helpline: 1800-341900	https://www.womensaid.ie/
Men's Aid	National Confidential Helpline: 01-5543811	https://www.mensaid.ie/
Gardaí	061-212400/999	https://www.garda.ie/en/crime/sexual-crime/
HSE My Options	Freephone: 1800-828010	https://www2.hse.ie/unplanned-pregnancy/
LGBT Ireland	National Helpline: 1890-929 539	https://lgbt.ie/

*For those who are deaf or hard of hearing, Rape Crisis Midwest provides a text service to 086-8238443, operating Monday to Friday, 8.00am to 6.30pm. Rape Crisis Midwest also has a webchat service available Monday to Friday, 10am to 2pm (excluding bank holidays).

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