



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

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1. Purpose

- 1.1 The University of Limerick (UL) [Sexual Violence and Harassment \(SVH\) Policy](#) clearly states that UL does not tolerate sexual harassment or sexual violence. UL is committed to providing a campus environment in which all members of the community feel safe, supported and respected.
- 1.2 Complaints of sexual harassment or sexual violence will be treated seriously, confidentially and objectively by UL and with due regard to the rights and needs of both the person raising the issue (the complainant) and the person against whom the issue is being raised (the respondent).
- 1.3 This procedure sets out how UL will deal with complaints of sexual harassment or sexual violence that fall within the scope of the UL Sexual Violence and Harassment (SVH) Policy. This procedure should be read in conjunction with that policy and with the UL Bullying, Harassment, Sexual Harassment and Sexual Violence Formal Complaints Procedure for allegations of breaches to the Policy and Procedures for Workplace Dignity and Respect. All these documents are available on the [UL Policy Hub](#).
- 1.4 UL will support those who feel they have been subjected to sexual harassment or sexual violence and those who have been accused of such wrongdoing.

2. Procedure

- 2.1 This procedure applies to all those who have experienced sexual harassment or sexual violence in the course of their study or work at UL, on or off campus, where the respondent is a member of the UL community.

3. Disclosure

- 3.1 When making a disclosure, the individual will be supported in relation to the issue by a trained support person, such as a member of the Student Designated Contact Persons Panel. The person making the disclosure will be given information in relation to internal and external supports available to them. They will also be made aware of the options available to them, including following an informal procedure; making of a formal complaint to UL; and contacting the Gardaí, should they wish to take that route.

Anyone who wishes to make a disclosure and seek support can contact the following, as appropriate:

- Sexual Violence and Harassment (SVH) Prevention and Response Manager
- Student Designated Contact Persons Panel
- Employee Support Services
- Director of Human Rights, Equality, Diversity and Inclusion

- 3.2 A flowchart outlining the reporting process can be found in Appendix A.

4. Informal Procedure

- 4.1 As a first step, the complainant may wish to address an allegation of sexual harassment or sexual violence as informally as possible by means of this informal procedure, where appropriate. This response is suitable for non-serious complaints, such as in scenarios where it is likely that the respondent is not even aware that their behaviour is negatively impacting others. It is an informal mechanism that is designed to be flexible to allow for complaints that are not of a serious nature to be quickly dealt with. Ideally, this informal procedure would effectively address the unwanted behaviour without recourse to any other action.

- 4.2 In situations of this nature, the following steps should be taken to try to resolve the matter:
- In the first instance, the allegation of sexual harassment or sexual violence should be raised by the complainant with the respondent but only if they feel comfortable doing so. This should be done quickly and calmly, focusing on the facts surrounding acts carried out and their consequences.
 - If the complainant feels it is more appropriate to do so, they should put their concerns in writing, again focusing on the offending acts and their effects on them.
 - Where the complainant perceives that their concerns relate to their line manager, they may wish to discuss the matter informally with their manager's manager or a person at the next level of management.
 - In circumstances where the complainant finds it difficult to approach the respondent directly, they can seek support or information in these ways:
 - a) Where the respondent is a student, the complainant may wish to contact a member of the Student Designated Contact Persons Panel, UL Student Life/Postgraduate Students' Union (PSU), SVH Prevention and Response Manager or a relevant member of UL staff.
 - b) Where the respondent is an employee, the complainant may wish to contact a member of the Staff Designated Contact Persons Panel, Unite, Human Resources (HR) Business Partner or the SVH Prevention and Response Manager.

4.3 The aim of the informal procedure is to seek to resolve the matter informally by agreement without recourse to any other step. An informal discussion is often sufficient to alert the person concerned to the effects of the behaviour alleged and can lead to a greater understanding and an agreement that the behaviour will stop. It can also lead to an explanation of the original intention of the behaviour or an agreement to modify the behaviour.

5. Formal Complaints Procedure

- 5.1 The formal complaints procedure will be considered in accordance with UL's existing policies and should apply where
- (i) matters of a serious nature are reported and are not suited to the informal procedure
 - (ii) agreement by either the complainant or respondent is withdrawn during the informal procedure
 - (iii) the complainant or respondent wishes to invoke the formal complaints procedure at any stage of the informal procedure
- 5.2 Formal complaints can be made by contacting the SVH Prevention and Response Manager, or their nominee. They will support the complainant in completing the complaint form (Appendix B). If there are two or more respondents, a separate form will need to be submitted for each person.
- 5.3 The formal complaint should outline the precise details of the alleged incident(s), i.e. the specific allegation(s), details of the inappropriate behaviour, specific time and date, and names of any witnesses, and should be signed and dated.
- 5.4 Within two working days of receipt of the written complaint, the SVH Prevention and Response Manager or their nominee, will submit the complaint to the Screening Panel chair, who will assess the complaint and determine if it falls within the scope of the policy.
- 5.5 The respondent will be notified in writing by the SVH Prevention and Response Manager, or their nominee, that an allegation of sexual harassment or sexual violence has been

made against them. This notification will be sent to the respondent once the complaint has been submitted to the Screening Panel. The respondent will be given a copy of the complainant's written complaint and will be informed that a preliminary screening will commence.

- 5.6 The Screening Panel will comprise senior staff members from 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.
- 5.7 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.
- 5.8 All members of the Screening Panel will receive specific SVH training, including trauma awareness training and sexual violence training.
- 5.9 All members of the Screening Panel will be completely independent of any other part of the SVH complaints procedure.
- 5.10 A Screening Panel will be convened within five working days of receipt of a complaint.
- 5.11 Once a formal complaint has been received, a preliminary screening of the detail contained within the complaint will be carried out by the Screening Panel within five working days of the panel being convened.
- 5.12 The purpose of the preliminary screening process is to make a *prima facie* decision as to whether the alleged behaviour, which is the subject of the complaint, falls within the definition and scope of sexual harassment or sexual violence in line with section 1.3.1 of the [Sexual Violence and Harassment \(SVH\) Policy](#).
- 5.13 This preliminary screening will be based exclusively on a review of the written details of the complaint. It is not intended to establish whether or not the alleged sexual harassment or sexual violence actually occurred. Therefore, no meetings with the parties concerned in the complaint or with other witnesses will be held during the preliminary screening process.
- 5.14 The decision of the Screening Panel as to whether the complaint falls within the scope of the policy will be communicated by the SVH Prevention and Response Manager, or their nominee, to both the complainant and respondent within 10 working days of the panel being convened.
- 5.15 If the complaint is deemed to not fall within the scope of the policy, the SVH Prevention and Response Manager or their nominee, will advise the complainant of possible next steps and the appropriate supports that are available to them.
- 5.16 If the complaint is deemed to fall within the scope of the policy, the SVH Prevention and Response Manager or their nominee, will submit the complaint and the decision of the Screening Panel to the Director of HR or Provost & Deputy President or their nominees.

6. Formal Complaints Procedure for Investigation

- 6.1 A formal investigation of the complaint will take place with a view to determining the facts and the credibility or otherwise of the allegation(s).
- 6.2 The objective of the investigation is to ascertain the facts relating to the alleged incidents and to make a finding, based on the balance of probabilities, as to whether the complaint is upheld in whole or in part or should be dismissed.

6.3 Where the **respondent is a member of staff**, formal complaints will be investigated in line with the [Bullying, Harassment, Sexual Harassment and Sexual Violence Formal Complaints Procedure](#).

6.4 Where the **respondent is a student**, formal complaints will be investigated in line with the procedure below.

6.5 The Appointment of Independent Investigators

6.5.1 Referred to hereafter as ‘the investigator’, an independent internal investigation committee or an independent external investigator will be appointed to conduct all formal investigations. The investigator shall not be connected in any way with the complainant, the respondent or the subject matter of the complaint.

6.5.2 Both the complainant and respondent will be provided with the relevant details of the selected investigator, which will include their contact details.

6.6 The Investigation Process

6.6.1 The investigator will issue terms of reference to the complainant and respondent, which will be devised in accordance with this procedure. The terms of reference will outline the proposed timelines of the investigation, which should be adhered to by all parties. If it is not possible to adhere to the proposed timelines for whatever reason, this reason will be communicated to both the complainant and respondent.

6.6.2 The investigator will determine the appropriate means of recording investigation meetings, and this will be communicated to the complainant, respondent and any witness in advance of the meeting.

6.6.3 Statements taken during the investigation process, including those of witnesses, will be provided to both the complainant and respondent to ensure fairness and transparency. The complainant and respondent will be given an opportunity to respond to the statements.

6.6.4 The investigator will request, collate and look objectively at all evidence pertinent to the complaint.

6.6.5 Parties involved in the investigation have the right to be accompanied during a formal investigation meeting. Employees may be accompanied in a support capacity by a work colleague, Unite trade union official or family member or friend. Students may be accompanied in a support capacity by a relevant member of UL staff, a UL Student Life or PSU representative, or a family member or friend.

6.6.6 Witnesses called to participate in an investigation who are associated with UL may be accompanied by a work colleague, a Unite trade union official or a UL Student Life or PSU representative.

6.6.7 The advice and assistance of an outside expert will be available to the investigator if deemed necessary by UL.

6.6.8 UL will provide reasonable accommodations during the investigation process to ensure the process is accessible for all parties. A translator will be provided where required.

6.6.9 During the investigation process, parties should be given at least five working days’ notice of the requirement to attend any meetings unless the investigator and the relevant parties agree on a shorter notice period. Where parties are required to confirm their own statement or respond in writing to another party statement, this should be done within five working days.

- 6.6.10 In the normal course of an investigation, the investigator will meet with the complainant in the first instance. The respondent will be provided with a copy of the complainant's statement and will be given an opportunity to respond fully.
- 6.6.11 Both the complainant and respondent will be given a fair opportunity to state their position in relation to the allegations made before any conclusions are reached.
- 6.6.12 Both the complainant and respondent may nominate to the investigator witnesses who are relevant to the investigation. The investigator alone will decide who they deem appropriate to interview or request statements from with a view to establishing the facts.
- 6.6.13 The investigator may proceed with the investigation notwithstanding the non-attendance of the complainant, respondent or witnesses.
- 6.6.14 The investigator will give the complainant and respondent an opportunity to respond to the evidence of others, as it relates to them.
- 6.6.15 The investigator will prepare a draft investigation report (normally compiled within 15 working days of the conclusion of the investigation). The investigator will consider all evidence presented and will make their findings based on the balance of probabilities. Interview records, including those of witnesses, and relevant evidence presented and obtained by the investigator that are relied upon to make findings will be appended to the investigation report.
- 6.6.16 The draft report of the investigator will be sent to the complainant and respondent for them to review and identify any factual errors. Both parties will have 10 working days to respond to the draft report. The investigator will consider the responses and will provide a reasoned commentary on such responses in their final report. The investigator will then provide the final report to the Provost & Deputy President or their nominee.
- 6.6.17 The Provost & Deputy President or their nominee will provide a copy of the final report to the complainant and respondent.
- 6.6.18 Where a complaint is not substantiated, the investigator will stipulate whether or not they have reason to believe that the complaint was false, malicious or vexatious in its intent

7. Appeal Against the Formal Complaint Decision

If a complainant or respondent is dissatisfied with the outcome of the formal complaint, they have the right to appeal the outcome on either of the following grounds:

- A material procedural irregularity demonstrably affected the outcome. In this instance, the appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. It should be noted that appeal is not a re-hearing of the original issues.
- There is material new information that one of the parties was unable, for valid reasons, to provide when the matter was being investigated and that would have significantly affected the outcome.

The appeals procedure for employees is as outlined in the Bullying, Harassment, Sexual Harassment and Sexual Violence – Formal Complaints Procedure.

The appeals procedure for students is as outlined in the [Student Code of Conduct – Handbook of Academic Regulations and Procedures](#)

8. Confidentiality

- 8.1 All individuals involved in the procedures referred to above must maintain absolute confidentiality on the subject.
- 8.2 Any breaches of confidentiality will be dealt with in accordance with UL's Student Code of Conduct (section 6 of the [Handbook of Academic Regulations and Procedures](#)).

9. Malicious Complaints

- 9.1 If a complaint is found to be malicious, the complainant may be subject to disciplinary action. Such a complaint will generally be treated as misconduct under the University's Student Code of Conduct.
- 9.2 Where a complaint is not upheld by formal investigation, this does not necessarily indicate that the complaint was false, malicious or vexatious. The application of this provision should not in any way deter people from bringing forward legitimate complaints.

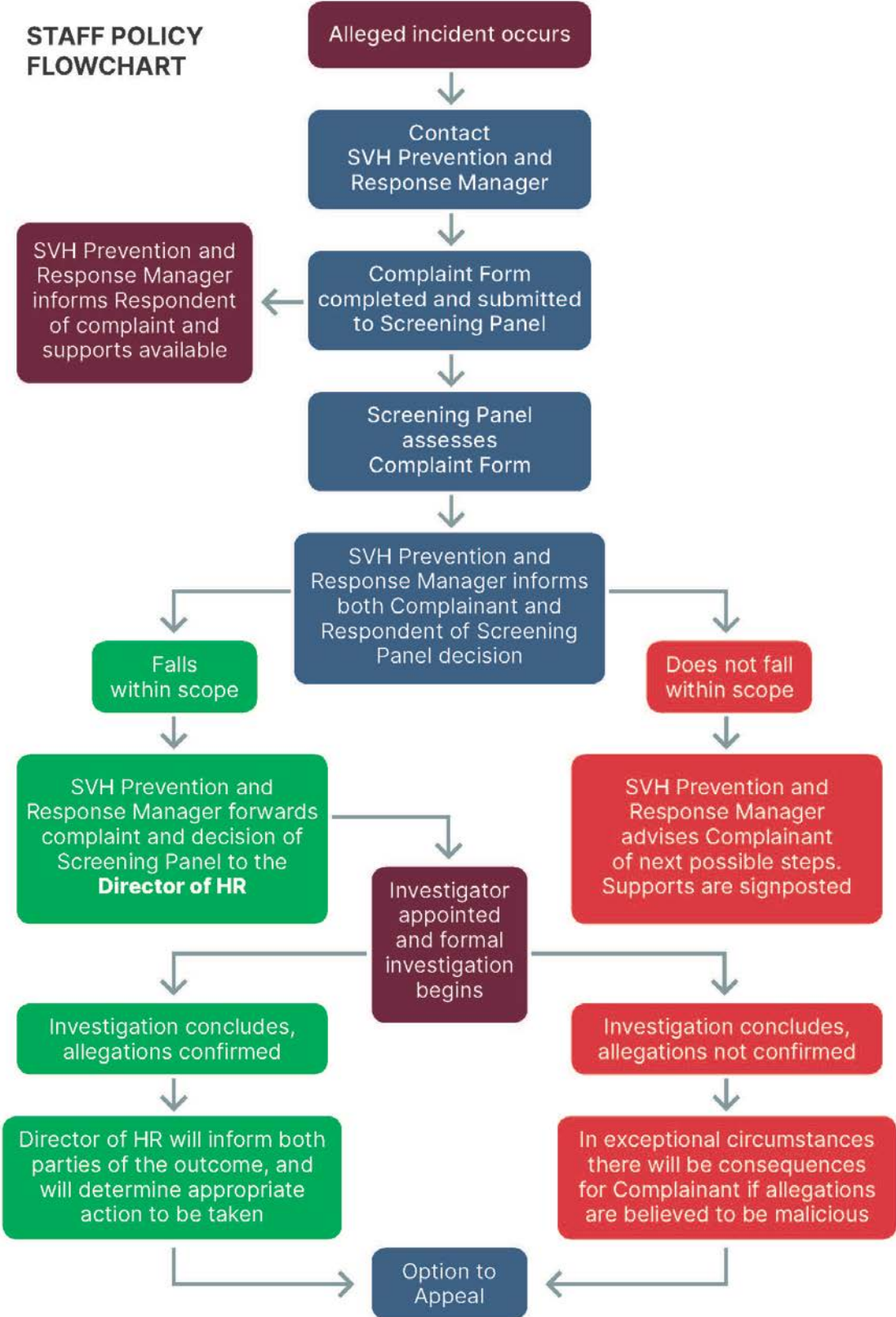
10. Victimisation

- 10.1 UL will do all within its power to protect the parties involved in these procedures from intimidation, victimisation or discrimination resulting from their involvement in the investigation process.
- 10.2 Anyone who considers that they have been subjected to intimidation or victimisation should seek support from any one of the following, as appropriate:
- SVH Prevention and Response Manager
 - UL Student Life/PSU
 - Director of Human Resources
 - Director of Human Rights, Equality, Diversity & Inclusion
 - Provost & Deputy President

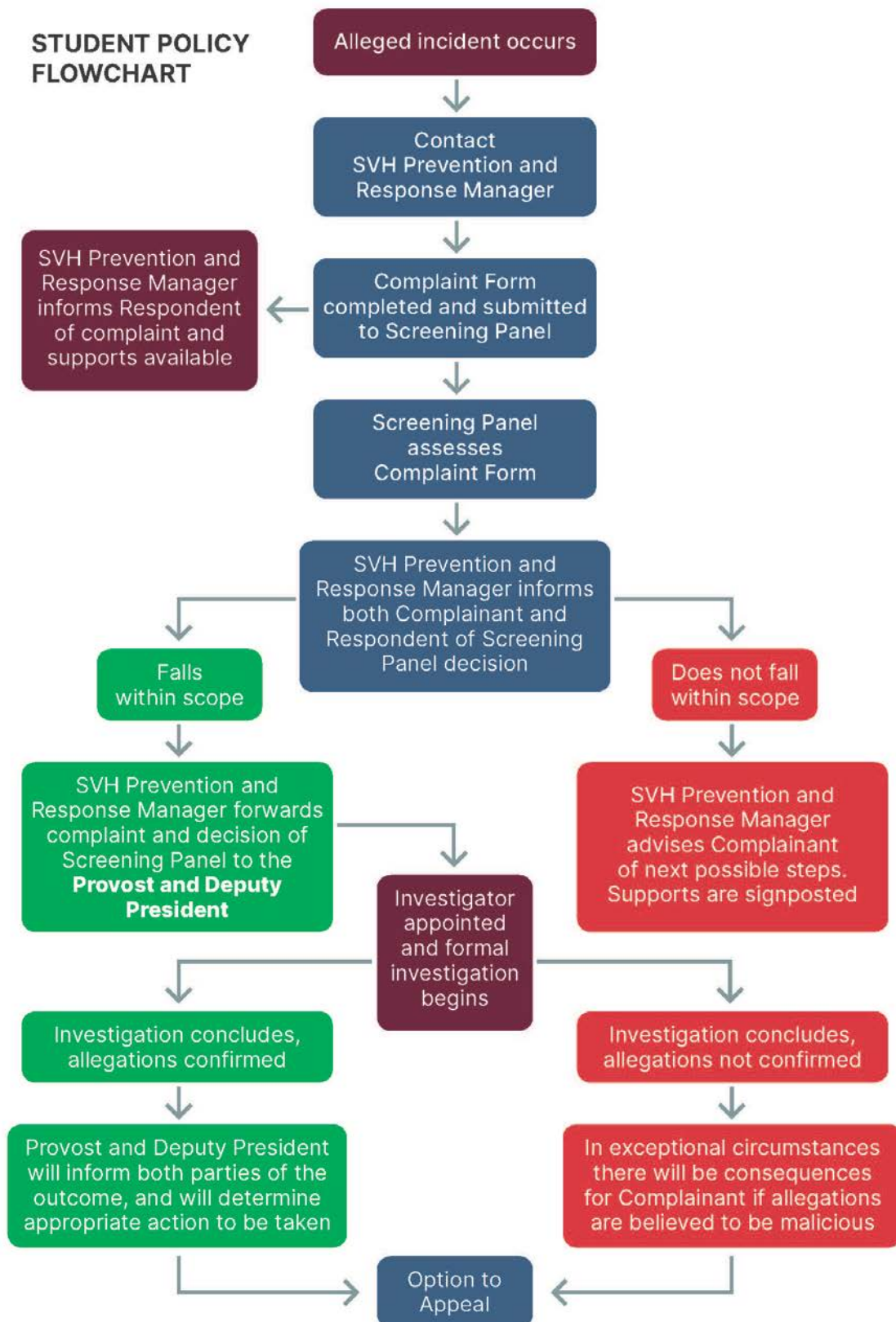
11. Related Documents

- [UL Sexual Violence and Harassment \(SVH\) Policy](#)
- [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: Complaints Procedure



**STUDENT POLICY
FLOWCHART**



Appendix B: [Formal Complaint Form](#)

Sexual Violence & Harassment Formal Complaint Form for Staff and Students

Please submit the completed form to the Sexual Violence and Harassment (SVH) Prevention and Response Manager using the contact details at the end of the form.

1. Complainant	
Name	
Email Address	
Phone	
Gender	
Department	
Student/Staff/Other Status	
2. Respondent	
Name	
Gender	
Relationship to Respondent	(e.g. friend, peer, partner, stranger, lecturer, colleague, etc.)
Affiliation with University of Limerick	(e.g. student, staff, other) if known
Department	
3. Incident/s Information	
Date and Time of Incident/s	
Please provide a detailed description of the incident/s.	(add more pages if necessary)

4. Supporting Documentation	
Are you submitting supporting documentation?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe (where possible, please submit this with your report):
5. Outcome	
What actions do you desire from this process? Leave blank if not known	

Signature: _____

Date: _____

(You may type your name)

Please submit any supporting documentation with this form. Please email the completed form to the SVH Prevention and Response Manager in the HREDI Office: shsv@ul.ie

All information provided is confidential and only used for the purposes as outlined in the [Privacy Notice](#). For information regarding support, reporting options, and prevention and response efforts by the University, please visit: [Sexual Health and Well-being | University of Limerick](#)

Optional Monitoring Information

The following questions are optional. We monitor complaints/reports by these equality groups to inform our future work. For example, we might want to know how many female students have made a complaint/report in the last six months. Personal details are not included in these monitoring reports.

Please put an **X** in the box to indicate your response.

Do you consider yourself to have a disability within the definition of the Disability Act 2005?

The Disability Act 2005 describes disability in relation to a person as: ...“a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”

Yes No Prefer not to say

What is your ethnic group?

Asian British Indian Pakistani Bangladeshi Chinese

Any other Asian background

Black British Black African Black Caribbean Any other Black background

Afghani Iraqi Iranian

Any other Middle Eastern background

White British White Irish White Eastern European White Western European

Irish Traveller or Gypsy Any other ethnic group Mixed background

Any other White background Prefer not to say None of the above

I describe my gender as:

Man Woman Non-Binary Prefer not to say In another way

Do you identify as trans?

Yes No Prefer not to say

Do you have a religion or belief?

Agnostic Buddhist Christian Hindu Humanist
 Jewish Muslim No religion Sikh Spiritual
 Prefer not to say None of the above

What is your sexuality?

Asexual Bisexual Heterosexual Gay/lesbian (Homosexual)
 Queer Prefer not to say None of the above

[Privacy Notice](#)

Document Control

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