Polasaí agus Nósanna Imeachta/Policies and Procedures

Code	QA 361
Title	Sexual Violence and Harassment Policy and Procedure
Policy Owner	Vice President Of Equality, Diversity and Inclusion
Date	23rd October 2024
Approved By	Údarás/Governing Authority

1.0   Purpose

The purpose of this policy and procedure is to set out the University of Galway's framework for preventing, effectively responding to, and working towards ending sexual violence and harassment (SVH) on our university campuses and within the University community.

2.0   Description

The University recognizes the unacceptable prevalence of SVH in society generally and acknowledges and commits to the role we must play as a Higher Education Institute (HEI) in changing cultures, behaviours and practices across our campuses and communities to help eliminate SVH across society, more broadly. A SVH programme of work has been established and will be delivered by:

- Providing support services to those within the University community affected by SVH.
- Ensuring appropriate responses to policy breaches
- Prevention work (education programmes, awareness campaigns, risk assessment)
- Policy work (developing, implementing, and embedding robust protocols, policies, and procedures)
- Monitoring prevalence of SVH through gathering data and reporting.
- Developing effective partnerships (Unions, HEI's, Research groups, societies, government agencies and non-government organisations (NGO's))

3.0   Responsibilities Table

Name	Responsibility
All University Community members	Be familiar with and comply with policy. Additional specific responsibilities set out here
Governing Authority	Specific responsibilities set out here
University Management Team	Specific responsibilities set out here
SVH Prevention and Response Committee	Specific responsibilities set out here
Vice President EDI	**Policy Owner**
Office of the Vice President EDI	Specific responsibilities set out here
Office of the Dean of Students	Specific responsibilities set out here
Office of the Director of HR	Specific responsibilities set out here
SVH Prevention and Response Team	Specific responsibilities set out here
People Managers	Specific responsibilities set out here
Heads of School	Specific responsibilities set out here
Staff working with Students	Specific responsibilities set out here
Those with a role in SVH policy and procedure	Specific responsibilities set out here

4.0   Related Documentation

Appendix 1: Policy

Appendix 2: Procedure

Appendix 1 Policy

OLLSCOIL NA GAILLIMHE
UNIVERSITY OF GALWAY

Section 1: Policy Overview

1.1 Policy Purpose

The purpose of this Sexual Violence and Harassment (Prevention and Response) (Policy and Procedure (the "**Policy**") is to set out the University of Galway's commitment to recognising, preventing, effectively responding to, and working towards ending sexual violence and harassment (SVH) on our university campuses and within the University community. The University of Galway does not tolerate SVH and in line with university values and the national framework for ending SVH in Irish Higher Education Institutions, the University strives to foster a safe, supportive, consenting, compassionate, positive and respectful campus.

Note on language: Please note this Policy describes SVH which may be distressing for some readers. If anything in this Policy has affected or distressed you, you are encouraged to seek support.

Policy definitions are given in section 3. Further information on underlined terms is available in the glossary of terms.

1.2 Policy Context

All public bodies in Ireland have a legal responsibility, under the Public Sector Equality and Human Rights Duty "Public Sector Duty" to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users, students and everyone affected by their policies etc. The University recognizes the unacceptable prevalence of SVH in society generally and acknowledges and commits to the role we must play as a Higher Education Institute (HEI) in changing cultures, behaviours and practices across our campuses and communities to help eliminate SVH across society, more broadly.

To address the issue in Higher Education, The Government of Ireland published *Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions* in 2019. The Office of the Vice President of Equality, Diversity, and Inclusion (VPEDI) and the *Sexual Violence and Harassment Prevention and Response Committee* have responsibility on behalf of the University for implementing the framework and establishing the programme of work. The work is informed by national and European policy, strategy, research, and guidance[1] and is delivered by:

- Providing support services to those within the University community affected by SVH.
- Ensuring appropriate responses to policy breaches
- Prevention work (education programmes, awareness campaigns, risk assessment)
- Policy work (developing, implementing, and embedding robust protocols, policies, and procedures)
- Monitoring prevalence of SVH through gathering data and reporting.
- Developing effective partnerships (Unions, HEI's, Research groups, societies, government agencies and non-government organisations (NGO's))

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[1] Policy-Drivers

1.3 Policy Principles

The underpinning principles of this policy are:

Respect for our Community -Seek to ensure that the University has proactive measures in place to create a shared environment where the community respects and values each other and community members have the freedom to do their work, research and study without risk of SVH.

Support for our community – Seek to ensure that there is a range of trained specialist support available, whom you can approach to seek guidance and support from. All support will be widely communicated.

A Positive approach – Promote positive behaviours and respectful consenting interactions/situationships/relationships.

Supporting Safety and Wellbeing – Strive to cultivate an environment where the University community feels secure—physically, emotionally, and in expressing concerns about incidents of sexual violence and harassment (SVH). Ensure individuals feel safe accessing services and supported throughout any related processes.

Ensuring Integrity of policy and process – Ensure policies and processes are transparent, developed in a consultative way, based on best practice/evidence and regularly reviewed and updated.

Focusing on prevention - Create awareness of the prevalence of SVH and promote a culture of prevention through appropriate and consistently applied awareness campaigns, and education interventions**.**

Recognizing the impact of SVH on an individual - SVH has the potential effect of violating a person's dignity and can create an intimidating, hostile, degrading, humiliating or offensive environment for the person. An individual's health, social and personal life can be affected, and it can lead to significant adverse professional and educational outcomes.

Respecting Intersectionality - SVH can be experienced by any individual regardless of gender, civil status, family status, sexual orientation, religious belief, age, disability, nationality or ethnic or national origin, or membership of the Traveller community. Women, members of the LGBT+ community and individuals with disabilities are disproportionately affected by experiences of SVH. The University recognizes the need to provide access to support for all and will consider the diverse needs of our community and recognize the additional risk factors created by overlapping forms of discrimination.

Creating Awareness – Build community knowledge about SVH through education, awareness and reporting. Continually reinforce that SVH is not tolerated in the University Community.

Section 2: Policy Scope

2.1 This policy applies to all members of the University community and others as defined below.

<u>University of Galway Community</u>

- All current University of Galway employees, irrespective of contracted hours (FTE), tenure, work location or employment status (including joint appointments).
- All registered University of Galway students, undergraduate, postgraduate, part time, full-time, including PhD candidates.
- Those holding Adjunct/Honorary or Emeritus appointments.

<u>Others</u>

- Contractors and sub-contractors
- Alumni and past employees
- University of Galway vendors
- those who engage and/or who interact with the University and/or its associated bodies,
- those who provide services to the University including partner Institutions.
- those who avail of services and/or are visitors of and to the University or any of its associated bodies.
- Those engaged in clubs and societies including those who volunteer in these contexts.
- Non-University employees who use University funds, facilities, or other resources, including the University's name and reputation, to carry out teaching and/or research, and/or participate in University of Galway administered research, including retired employees, visiting academics and researchers, consultants, contractors, affiliated hospital staff, industrial personnel, and research fellows, regardless of obligations to other companies or institutions.

Those under the category of 'other' can use this policy if they wish to make a report of SVH against a member of the University of Galway community. If there is an issue in relation to conduct of those under the category of 'other' as defined, action will be taken on a case-by-case basis in accordance with the role/function of the individual(s) in question (for example, the matter might be referred to the organisation in which they are employed or connected to, or the University might take interim measures – See 3.2.11).

2.2 The support services of the University of Galway are applicable to University of Galway Community members.

2.3 This Policy applies to incidents which occur:

- On our campuses
- At other places where our employees or students or others are representing the University or are engaged in a university connected activity.
- At events such as social functions, conferences, sporting events, field trips or work assignments/ course -related placements which are related to the University or are a university connected activity,
- In relation to clubs/societies

- At non-University of Galway connected activities on or off campus including social gatherings involving University of Galway employees and students when the alleged incident has a direct impact on the individuals **and** there is an ongoing interaction between the individuals in the university related environment.

2.4 This policy applies to conduct which occurs in person or through other forms (online, phone)

2.5 There is no time limit within which a report may be made to the University. Due to the nature of SVH and the trauma impact, it is recognized that there might be a delay in reporting. However, it is noted that a delay can affect the University's ability to investigate and/or take any action.

2.6 A list of definitions is provided in section 3 to clarify the exact scope of the policy.

Section 3: Definitions and Terminology

3.1 Definitions of behaviours that amount to policy breaches.

3.1.1 Sexual harassment

Sexual Harassment[2] is any form of unwanted verbal, nonverbal, or physical behaviour of a sexual nature. It can create an intimidating, hostile, degrading, humiliating, or offensive environment, and is a form of sexual violence. Quid pro quo sexual harassment occurs when studying or employment decisions are based on acceptance or rejection of unwelcome sexual behaviour. The term "misconduct" is sometimes used instead of harassment to capture abuses of power. Sexual harassment includes but is not limited to the following behaviours:

a) unwanted sexual comments, jokes, innuendos

b) stalking

c) sextortion

d) sexual invitations

e) sexual demands

3.1.2 Relationship abuse[3]

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been intimate partners, this may include psychological, physical, sexual, financial and/or emotional abuse.

3.1.3 Sexual violence[4]

Sexual Violence is defined as any unwanted or non-consensual act of a sexual nature. Sexual violence includes but is not limited to the following behaviours.

a. sexually touching another person without their consent.

b. engaging or attempting to engage in a sexual act with another person without their consent.

c. showing sexual organs or images of sexual organs to another person without consent

d. Intimate image abuse

e. Group sexual misconduct.

f. Retaliation

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[2] Glossary - UniSAFE Toolkit (unisafe-toolkit.eu)
[3] Humphreys, C. J., & Towl, G. J. (2020). Addressing student sexual violence in higher education: a good practice guide. Bingley, England: Emerald Publishing.
[4] Humphreys, C. J., & Towl, G. J. (2020). Addressing student sexual violence in higher education: a good practice guide. Bingley, England: Emerald Publishing.

g. False or malicious reports

h. Complicity

3.1.4 Gender Based Violence

Gender Based Violence[5] is any type of harm that is perpetrated against a person or group of people because of their factual or perceived sex, gender, sexual orientation and/or gender identity. GBV includes physical violence, sexual violence, psychological violence, economic violence, and sexual harassment.

3.2 Terminology

3.2.1 Consent: In the context of SVH consent is defined as the freely given verbal or non-verbal communication of a feeling of willingness to engage in sexual activity. A person consents to a sexual act if they freely and voluntarily agree to engage in that act. There is no consent if the victim is asleep or unconscious; force or the threat of force is used; they cannot consent because of the effect of alcohol/other drug; they cannot communicate consent because of a physical and/or mental/intellectual disability; they are mistaken about the act or about the identity of the other person; the only indication of consent came from a third person, or if they are being unlawfully detained at the time of the act. This is not an exhaustive list and examples are illustrative only.

Consent can be withdrawn at any time, and just because someone has previously given consent does not preclude that person from withdrawing consent. Any failure or omission on the part of a person to offer resistance to an act does not of itself constitute consent to that act.

3.2.2 Disclosure: Where an individual **confidentially** shares informally with another person who is a member of the university community, that they may have been subjected to SVH. When a person discloses, all elements of that disclosure are **confidential**[6] . Disclosing individuals should be given information about all options available to them, including how to make a report. It should be made clear that both internal and external support services are available whether or not a report is made [differs to report].

See 7.2 Make a Disclosure and 7.4 Managing disclosures.

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[5] UniSafe (2023) *Recommendations for policy – makers towards ending gender-based violence*

[6] An individual's right to confidentiality maybe lawfully restricted where there is a risk to themselves or others or a child.

3.2.3 First point of contact or FPOC are members of the University community to whom people may disclose incidents of SVH. Through in-depth training, FPOC's are equipped with the skills and knowledge to respond effectively to disclosures and to provide information to help the disclosing party decide on their next steps.

3.2.4 Sexual Violence and Harassment (SVH) contact person: SVH contact persons will be made available to the University community to assist in navigating the procedures associated with this policy. Their role is to provide information and emotional support in a confidential, non-judgmental and off-the-record manner to **any** community member involved in this process. A description of their role is more fully set out under Supporting Documentation.

3.2.5 Sexual Violence and Harassment Prevention and Response Manager (SVHPRM): The SVHPRM has operational responsibility for the implementation of this policy. They are the person who has been nominated by the University to hold a key role in overseeing the management of reports of SVH. As intimated by the title, this role will entail both prevention and response actions. They will play a central and proactive role in fostering a safe, consenting, compassionate, inclusive, and respectful campus.

3.2.6 Report: A formal statement about SVH made to a staff member in the University who has the authority to initiate a formal investigation process (e.g. SVHPRM). The formal process will be managed in accordance with university policy and accompanying procedures [differs to disclosure]. See 7.3 Make a Report under this policy and 7.5 Managing Reports under this policy.

3.2.7 Reporting party: An individual reporting to the University that they have allegedly been subjected to SVH and have made a report.

3.2.8 Responding party: The individual who has allegedly carried out the SVH and against whom a report of SVH has been made.

3.2.9 Case Manager: An individual assigned to formal reports of SVH. They play a vital role in managing the formal process. The case manager is neutral in the process and will not act as a support or advocate for any party involved. A description of their role is more fully set out under Supporting Documentation.

3.2.10 Preliminary evaluation meeting: A meeting which will take place following a formal report of SVH. The purpose of the meeting is to ensure the ongoing safety of the parties involved in the investigation and the wider community. An output of the meeting might be the recommendation of interim measures. The preliminary evaluation meeting group may be called on for advice/guidance throughout the process by the case manager or SVHPRM for e.g. if a decision regarding the pausing/adjourning of a case is required. See also 7.6 Preliminary evaluation meeting (PEM).

3.2.11 Interim measures: Temporary, non-judgmental actions that may be taken by the University at any stage with the aim of protecting the safety and wellbeing of all parties involved in an investigation and protecting the integrity of the investigation. An example would be a no contact arrangement, this is when the parties involved agree to refrain from any form of communication or contact with each other. Interim measures are not a penalty or sanction and do not indicate that the university has concluded that a policy breach has occurred. Interim measures will be reasonable and proportionate.

3.2.12 Trauma informed investigation: An investigation which acknowledges the impact of trauma. The approach understands the effects on mental, emotional, and physical wellbeing and insofar as possible intends to avoid retraumatizing individuals. Investigators involved will have specific training in SVH and trauma.

3.2.13 Balance of probabilities: In an internal investigation the standard of proof is the balance of probabilities. This means that if following investigation where there is, in the opinion of the determiner, more than 50% chance of a breach of this policy, then it meets the balance of probabilities standard, (i.e. it is more likely than not to have occurred).

3.2.14 Sanction: A sanction is typically applied as a disciplinary action when an investigation finding concludes that on the balance of probabilities that it is more probable than not that the responding party breached this policy. Sanctions applied are proportionate to the nature and the impact of the breach that has occurred. See 7.10 - Sanctions for more information.

3.2.15 Environmental Assessment: A targeted environmental assessment may take place where statistical trends have been highlighted by bystanders. This assessment is to assess issues/prevailing conditions within an area. Further information is available under Supporting Documentation.

3.2.16 Speak Out Is a tool the University uses to capture data to assist in the implementation of educational and policy initiatives and to signpost you to the support services that can help you, should you wish to seek help. The data collected is completely anonymous and you will not be identifiable.

Section 4: Roles and responsibilities

As members of the University community, we are all expected to work to develop and maintain a high level of dignity and respect in our diverse community and to actively participate in achieving a safe, respectful, and supportive environment and a culture free from SVH.

This policy assigns responsibilities to a range of roles/units within the University including senior management.

Failure to uphold the responsibilities assigned under this Policy is taken very seriously and may lead to informal or formal action, including in the case of students through QA 616 Student Code of Conduct and in the case of employees under the relevant disciplinary procedure (QA 215 or QA112)

All Individuals in the University Community
- At all times treat all members of the University community with whom you interact with dignity and respect and be aware of the impact of your actions.
- Be familiar with the principals of this policy and contribute positively to a sex positive culture free from SVH by engaging with training/awareness raising initiatives.
- Adhere to University standards (Values, policies, procedures, protocols and codes of conduct)
- If you witness behaviour that you consider to be SVH, you should report it to your line manager or the SVHPR Manager.
- Encourage any individual who has confided in you that they have experienced SVH to seek support and guidance about the services and support options 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.

Governing Authority
- Recognise and amplify the importance of a culture free from SVH and bring to life through university strategies/policy/procedures
- Oversee the work of the SVHPR Committee
- Engage in relevant training in relation to SVH and broader equality, diversity and inclusion.

University Management Team (UMT)
- Visibly lead and champion a positive culture of dignity and respect free from SVH.
- Ensure adequate resources are allocated to support a sex positive culture free from SVH including training and awareness campaigns and supports for employees and students.
- Proactively encourage individuals to seek support and guidance if experiencing SVH
- Review SVH trend and monitoring reports on a quarterly basis and take necessary action.
- Engage with the SVHPR Committee and external bodies such as the HEA in relation to progress on the implementation of the national framework.
- Ensure an adequate number of employees in your area of responsibility are trained to receive disclosures.
- Engage in relevant training in relation to SVH and broader equality, diversity, and inclusion.

Sexual Violence and Harassment Prevention and Response Committee
- Lead in providing focused discussion, advice, and expertise for the University of Galway efforts in implementation of the national framework and the programme of work.
- Act as champions for a sex positive culture, free from SVH.
- Engage in relevant training in relation to SVH and broader equality, diversity, and inclusion.

Office of the Vice President of Equality, Diversity, and Inclusion (OVPEDI)
- SVH policy owner in partnership with the Director of HR and the Dean of Students.
- Monitor, report on and publish the data in relation to SVH from the various sources and compile statistical reports and make recommendations to the SVHPRC, UMT and Governing Authority.
- Support the SVHPR team

Sexual Violence and Harassment Prevention and Response Team
- Responsible for managing and rolling out the SVH programme of work.
- Organise activities to raise awareness of SVH
- Roll out training and education in relation to policy, consent and SVH.
- Support the role of first point of contact.
- Support the role of SVH contact.
- Oversee the management of formal reports of SVH policy breaches.
- The office will play a central and proactive role in fostering a safe, consenting, compassionate, inclusive, and respectful campus.

Office of the Director of Human Resources
- SVH policy partner with Office of the Vice President of Equality, Diversity and Inclusion (OVPEDI) and Dean of Students
- Provision, review and allocation of specialist support services for employees.
- Promotion and support of training and education initiatives for employees
- Inclusion of relevant training in employee induction
- Ensure all employee SVH related policies/procedures/protocols are fit for purpose and complementary to this policy.

Office of the Dean of Students
- SVH policy partner with OVPEDI and Office of Director of HR.
- Provision, review and allocation of specialist support services for students.
- Promotion and support of training and education initiatives for students
- Inclusion of relevant training in student orientation
- Ensure all student SVH related policies/procedures/protocols are fit for purpose and complementary to this policy.

People managers (those with line management responsibilities for employees)
- Visibly lead and champion a positive culture of dignity and respect free from SVH.
- Work with those involved in a SVH issue in a proactive way to support the resolution of issues and stop unacceptable behaviour. Seek advice from HR or the SVHPR team in relation to addressing issues of SVH.
- Encourage employees to come forward to report issues and encourage them to seek support that can assist in the resolution of issues.
- Undertake appropriate training and be able to explain the policy and the support to employees within their area.
- If you suspect inappropriate behaviour request an independent environmental assessment from the SVHPR Office

Heads of School
- Visibly lead and champion a positive culture of dignity and respect free from SVH.
- Respond sensitively and promptly to students and staff who are raising SVH issues and signpost them to the supports available.
- Seek advice from the SVHPR Office if required in relation to issues raised by students and staff
- Be vigilant for signs of SVH through observation and by getting feedback and take appropriate action before the matter escalates.
- Undertake appropriate training and be able to explain the policy and the support to students and staff within their area.
- If you suspect inappropriate behaviour request an independent environmental assessment from the SVHPR Office.

Other staff working directly with students (including Programme Directors, Teaching staff/Student support officers)
- Visibly lead and champion a positive culture of dignity and respect free from SVH.
- Respond sensitively and promptly to students who are raising SVH issues and signpost them to the supports available.
- Seek advice from the SVHPR Office if required in relation to issues raised by students.

Those a with role in SVH policy and procedure
- Engage in relevant training in relation to your policy/procedure role, SVH and broader equality, diversity, and inclusion.

Section 5 Confidentiality, Data and Policy Compliance

5.1 Confidentiality

The University recognises the sensitive nature of SVH matters and will ensure confidentiality will be observed where possible through the disclosing, reporting and investigative processes. As such information will usually only be shared with relevant individuals or entities (internal or external to the University e.g. Student counselling, specialist services such as rape crisis centre or An Garda Siochana) with the agreement of the reporting party.

In certain circumstances where an individual is at risk of harm to themselves or others or there is a risk to a child, (Children First Act, 2015) the individual's right to confidentiality may be lawfully restricted and the University must comply with its obligations under its Policies and Procedures and in accordance with its statutory obligations.

Same as provided for above, all individuals involved in this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorized disclosure of confidential information will be considered a Policy violation and will be treated as such.

This does not prevent the parties involved in the report from seeking confidential support services.

5.2 Data Monitoring

Monitoring disclosures and reports of incidents of SVH is an integral part of creating a safe and supportive environment and being transparent in relation to SVH. The Sexual Violence and Harassment Prevention and Response Manager will review incidents of disclosure (anonymized via Speak Out) and all formal reports, including all actions, and decisions taken and the outcome of investigations (anonymized) to:

- Create a baseline level of data.
- ensure the University can provide adequate support, resources and care to parties involved in incidents.
- ensure the University can identify patterns and trends and so inform prevention and response strategies to address root causes.
- ensure the University can identify high risk scenarios and develop targeted education and awareness campaigns and other prevention and response strategies.
- ensure the University can comply with the reporting requirements of the Higher Education Authority with respect to SVH.

Throughout all processes the use of data will comply with the Data Protection Policy.

5.3 Policy guidance

- This Policy will be reviewed annually by the OVPEDI to ensure its effectiveness, identify issues and ensure its compliance with an emerging legislative and policy requirement.
- Underlined items are explained in more detail in the glossary of terms available under Supporting Documentation.
- Any difficulty in defining what constitutes SVH should not deter students or staff from reporting behaviour which causes them distress

Section 6 Other

6.1 This policy and criminal investigations

Some instances of SVH may also constitute a criminal offence. A person who discloses, seeks advice on reporting or reports an allegation of this nature will be given clear guidance regarding the options available to them including referral to An Garda Síochána.

If An Garda Síochána are managing a formal process, the University might pause/adjourn its internal case, pending the conclusion of the criminal process. A decision to pause/adjourn will be made by the preliminary evaluation meeting group informed by An Garda Síochána and legal advice.

6.2 SVH and the content or presentation of teaching materials, artistic exhibition or performance.

It is recognised that those teaching certain subjects such as languages and literature, business, law, biological or social sciences and medicine must occasionally present and discuss material relating to sex and sexuality, and that students may sometimes find this material embarrassing or upsetting. While teachers are under an obligation not to be gratuitously offensive, they must be protected from unfair allegations of SVH based on the subject matter being discussed. Likewise, it is important that members of the University community have access to art exhibitions, dramatic and cinematic productions, and discussion and debate on a wide range of political, cultural and social issues. However, it should be noted that the material per se may not be offensive, but the manner in which it is discussed may be. University policy does not permit the gratuitous use of pornographic or other offensive material.

6.3 Role of Bystanders

The University values the importance of active bystanders and encourages reasonable and safe actions by those who witness inappropriate behaviours.

The University will work to equip its students and employees to be active bystanders by offering education, training, information and support.

The University encourages those who observe incidents of SVH in the University community to disclose them to the University and to use the support services listed on the University website if they require assistance and support.

Appendix 2 Related Procedures

7.1 Support and advice.

Members of the University community may contact a SVH contact for support and/or advice on matters relating to SVH. When appropriate a SVH contact may:

> a) signpost individuals to internal and external specialist agencies for specialist support
> b) provide advice on reporting to An Garda Síochana
> c) provide advice on making a report to the University.
> d) provide support if you have been accused of breaching policy.

7.1.1 A list of on campus and off campus support services including counselling and psychological services, health services, out of hours services and crisis lines can be found on the University website

7.1.2 SafeZone app is our mobile app designed to help keep you safe and give you extra peace of mind across university campuses. The SafeZone app is free to download and easy to use. Visit Google Play or the App Store and search 'SafeZone' to download.

7.2 Make a Disclosure

Members of the University community may make a confidential disclosure to the University by contacting the following depending on their circumstances:

a)   For any University community member, a named first point of contact.
b)   For employees, named Human Resources (HR) staff and/or their own line manager.
c)   For students, named College/Institution staff, student counselling, chaplaincy, the student's union.
d)   For employees and students online via the Speak Out tool.

7.3 Make a Report under this policy

7.3.1 A report by or about current members of the University community may be filed by completing the Report form.

7.3.2 A Report by an 'other' about current members of the University community may be filed by completing the Report form.

7.3.3 A Report about an 'other' can be made by:

a) For employees - by contacting their line manager, HR staff, or the SVHPR office

b) For students- by contacting named College/Institution staff, Office of the Dean of Students or the SVHPR office.

7.4 Managing disclosures

The University will take all reasonable steps to support the individual making the Disclosure, recognizing that the first disclosure may be the most important and how it is received may influence a decision to proceed to a formal report.

7.4.1 All Disclosures remain confidential except in the following circumstances:

a) there appears to be a risk to the health, safety and wellbeing of the individual who made the disclosure or to another person or persons.

b) there appears to be a child protection or welfare concern.

7.4.2 Where a Disclosure made, in the opinion of the receiving party, gives rise to a concern in respect of 8.4.1 above, the receiving party shall refer the Disclosure in respect of (a) to the SVHPR Office; and in respect of (b) the Designated Liaison Officer (as set out in the University Child Safeguarding Statement).

7.4.3 On foot of a Disclosure to a FPOC or trained colleague, the following information will generally be provided to the disclosing party.

a) information relating to support for the disclosing party

b) information relating to reporting to An Garda Síochána

c) information relating to this Policy

7.5 Managing Reports under this policy.

7.5.1 The University will manage formal reports where a staff member is the responding party in accordance with this policy and other relevant policies, legislation, statutes and agreements including

QA415-Employee Code of Conduct.

7.5.2 The University will manage formal reports where a student is the responding party in accordance with this policy and the QA 616 University of Galway Student Code of Conduct

7.5.3 If a respondent is both an employee and a student, the PEM will determine whether the report should be considered under the policies and procedures applying to students, and/or those applying to staff.

7.5.4 Where a university community member makes a report about a person who is not a student or employee of the University:

   a) the University will pursue the matter if practicable and possible in accordance with existing contracts/memorandum of understanding/memorandum of agreements.
   if a report about conduct occurring at an affiliated college, club or society where the Responding party is not a member of the University, the University will assist the Rreporting party to make a complaint to the appropriate governing body/authority, which may conduct an investigation.

7.5.5 In the investigation of a Report, making findings of fact and determining any disciplinary outcome (under the appropriate policy and procedure), all parties are afforded procedural fairness and natural justice.

7.5.6 All reports will be managed and completed as quickly as possible.

7.5.7 The SVHPRM (or nominee) will make initial contact with the Reporting party in relation to their Report as soon as possible but no later than ten working days after receiving the Report. The Reporting party will be asked to attend an initial meeting with a case manager during which the details of the Report will be confirmed. If the Reporting party is unwilling for the responding party to be informed of the allegations against them, an investigation cannot proceed. A note of this meeting will be provided to the Reporting party who will be asked to confirm if the summary is accurate and confirm they wish to proceed with the case.

7.5.8 Following confirmation of the report, the case manager will instruct the SVHPR Manager to convene the preliminary evaluation meeting as soon as is practicable.

7.5.9 The case manager will keep all parties informed of the progress of the report, including advising about any delays that might arise. They will inform the parties about the outcome of the investigation as soon as possible.

7.6 Preliminary evaluation meeting (PEM)

The PEM will be chaired by the VPEDI or their nominee. The purpose of the meeting is to assess support needs, recommend steps to be taken to ensure the ongoing safety of all parties involved in the case and the wider community and confirm if an investigation is to proceed. The **redacted report** will be presented by the case manager. The report will not be investigated and the reporting or responding parties are not in attendance.

7.6.1 The membership of the PEM will depend on the specific case. It will include as a minimum the following participants.

Student/Student Case	Student/Staff Case	Staff/Staff Case
• Director of counselling (or nominee) • SVHPR Manager • Case Manager • Dean of Students (or nominee)	• Director of counselling (or nominee) • SVHPR Manager • Case Manager • Dean of Students (or nominee) • Director of HR (or nominee)	• Director of counselling (or nominee) • SVHPR Manager • Case Manager • Director of HR (or nominee) • Registrar (or nominee)

7.6.2 The PEM might require the advice of an external party such as the Students Union, the Galway Rape Crisis Centre, the Sexual Assault Treatment unit or An Garda Síochána.

7.6.3 Members of the PEM will have received appropriate training, and the gender composition will be considered.

7.6.4 The PEM will make an initial assessment of the report to determine next steps taking account of:

- The needs and wishes of the reporting party

- any wider obligations and duties including obligations relating to occupational health and safety, duty of care and any other legal obligations.

- whether there is a risk to the health or safety of the individual who made the report or others

- whether the report relates to a child

- what investigative or other actions are available to the University.

- Any interim measures that are available to the University.

7.6.5 If an investigation does not proceed the University will advise the Reporting party of the decision and reasons for this immediately and ensure appropriate support is available to them.

7.7 Where an investigation is required

7.7.1 The case manager will inform the Responding party about the Report and the determinations of the preliminary investigation meeting.

7.7.2 An investigation will be undertaken internally or by engaging an external expert and a report prepared in accordance with Terms of Reference. The Report shall satisfy the appropriate University Policy and Procedure (such as QA415-Employee Code of Conduct and/or QA 616 University of Galway Student Code of Conduct as may be appropriate)

7.8 Investigation finding
There are three possible findings of an investigation:

a) Considering the nature of the allegation, the overall context, the presented evidence, it is concluded on the balance of probabilities **that it is more probable than not** that the responding party breached the policy for the following reasons…. **Therefore, further action is required.**

b) Considering the nature of the allegation, the overall context, the presented evidence, it is concluded on the balance of probabilities **that it is improbable** that the responding party breached the policy for the following reasons…. **Therefore, no further action is required**.

c) The investigator may, depending on the circumstances, make a finding of '**no case to answer**' where the Reporting party withdraws a Report or refuses to engage with the investigation.

7.9 Further action

7.9 (a)When further action is required, the case manager refers the matter to the relevant process outlined below.

Responding party	Relevant process	Next steps
Student	• QA 616 Student code of conduct	Enters University Discipline procedures at 8.3.1
Academic Staff	• QA 125 Academic disciplinary procedure • Relevant statute	Director of HR appoints disciplinary committee
Non-academic Staff	• QA112-Disciplinary-Procedure.pdf	Director of HR appoints disciplinary panel

7.9 (b) Either party may, within [5] days of receipt of the Report and in advance of any further action (if applicable) seek to appeal the outcome of the Report by way of review by a Head of School appointed by the PEM. Such appeal shall be limited to:

(i) express and documented alleged procedural deficiencies by the investigator on foot of the Terms of Reference only.

(ii) the party seeking the appeal advising and providing documentary proof of information relevant to the investigation which was not (for valid and express reasons) available at the time of the investigation, and which is now available.

A review shall be carried out by the appointed Head of School, within [5] days of the notice of appeal on the above grounds only. The review shall not take into account any other grounds of appeal other than those set out in 8.9(b).

7.9(c) The appointed Head of School, shall be entitled to consider the Grounds of Appeal and determine:

(i) No procedural deficiencies; or

(ii) Refer the new and/or additional documented information back to the investigation team for their review and consideration.

The determination of the Head of School in respect of 7.9 shall be final. Any revised Outcome following the process set out above shall be final.

7.10 Sanctions

Decisions related to any sanctions on foot of a breach of this Policy that the University may impose on a Responding party will:

- Be proportionate to the nature and impact of the breach that has occurred
- Hold the Responding party accountable for their behaviour
- Be consistent with the guiding principles outlined at section 1 of this policy.

7.10.1 For students' possible sanctions range from exclusion from activities/buildings/programmes to expulsion

7.10.2 For employees at all levels possible sanctions range from verbal warnings to dismissal.

7.10.3 Disciplinary and sanctioning processes are independent of the SVHPR Policy and Procedure.