



TUS

Ollscoil Teicneolaíochta na Sionainne:
Lár Tíre, An tIarthar Láir
Technological University of the Shannon:
Midlands Midwest

TUS Policy & Procedure for Responding to Sexual Violence & Sexual Harassment

EQUALITY AND DIVERSITY

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Introduction

The Technological University of the Shannon (hereafter referred to as TUS or the Technological University) is committed to fostering a safe, respectful and supportive campus culture. This policy and procedure provide detailed guidance as to the responsibilities of TUS and its community in taking proactive and responsive measures to respond to any alleged acts of Sexual Harassment and Sexual Violence.

This policy and procedure are one component of a broad framework and action plan to work towards a culture of dignity and respect, which is in line with the national framework, “*Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019*”.

TUS encourages staff and students to come forward to seek support and assistance in relation to incidents of Sexual Harassment and Sexual Violence. Staff and students can be assured that TUS will act sensitively, and Disclosures will be carefully and thoughtfully addressed through a process that is transparent and clearly communicated to all individuals involved.

Incidents of Sexual Harassment and Sexual Violence may constitute a criminal offence. In those cases, reporting to the An Garda Síochána (AGS) as well as making a complaint to TUS is facilitated within this policy and procedure. If a report is made to the AGS, TUS actions will be guided by the criminal justice procedures.

This policy has been informed by the following documents:

- THEA (2021) *Promoting Consent and Preventing Sexual Violence*
- National Women’s Council (2023) *Towards a Zero Tolerance Approach. A Good Practice Guide to implementing Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Higher Education*

Definitions

Reporting Party	The person who makes a complaint that they have been subject to Sexual Harassment and Sexual Violence.
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Responding Party	The person who has allegedly carried out the Sexual Harassment or Sexual Violence and against whom a report of Sexual Harassment or Sexual Violence has been made
Sexual Violence Prevention and Response Manager	The person who has been nominated by TUS to hold a coordinating role in addressing all allegations of Sexual Harassment and Sexual Violence. This person reports to the Vice President for People and Organisation. As indicated by the title, this role will entail both prevention and response actions. This person plays a central and proactive role in fostering a safe, respectful, and supportive culture in the institution.

Definitions relating to Sexual Harassment and Sexual Violence

Consent	Consent is the freely given verbal or non-verbal communication of a feeling of willingness to engage in sexual activity. There is no consent if the victim is asleep or unconscious; if force or the threat of force is used; if they cannot consent because of the effect of alcohol/other drug; if they cannot communicate consent because of a physical disability; if they are mistaken about the act or about the identity of the other person; if the only indication of consent came from a third person; or if they are being unlawfully detained at the time of the act. Failure to resist is not consent; and that consent, once given, may be withdrawn at any time before or during the act ¹ . This definition is consistent with the definition of consent in the Criminal Law (Sexual Offences) Act 2017.
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¹ THEA (2021)

Sexual Harassment	In accordance with the Employment Equality Acts, 1998-2015, Sexual Harassment is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, or material ² . Many forms of behaviour can constitute sexual harassment, and a single incident may constitute sexual harassment. ³
Sexual violence	Sexual violence can be defined as any act of a sexual nature that a person did not consent to. This can include rape, sexual assault, childhood sexual abuse and exploitation, sexual harassment, and taking or sharing sexual images without someone's consent.
Sexual Misconduct	Sexual misconduct is an umbrella term, which can refer to Sexual Violence and Sexual Harassment as defined by law above.
Domestic, Sexual and Gender Based Violence (DSGBV)	Domestic, Sexual and Gender Based Violence (DSGBV) includes consideration of domestic violence (which can include physical, psychological, emotional, and financial abuse and sexual violence), rape and sexual assault, prostitution and trafficking, female genital mutilation, forced marriage, sexual harassment, stalking and related acts, forced abortion and forced sterilisation together with new and emerging forms of DSGBV e.g. cyber violence. Domestic, sexual and gender-based violence (DSGBV) takes many forms and can affect anyone, whatever their age, educational background, culture, gender, or sexual orientation. (www.gov.ie)
Stalking	Stalking is described as any conduct that either puts the victim in fear of violence or causes the victim serious alarm and distress that

² THEA (2021)

³ Employment Equality Acts 1998-2015

	has a substantial adverse impact on their usual day-to-day activities.
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Definitions relating to reporting Sexual Harassment and Sexual Violence⁴

Speak Out tool	<p>Speak Out is an online anonymous reporting tool developed by the Psychological Counsellors in Higher Education Ireland (PCHEI). It is a mechanism for members of college communities to speak out about their experiences of bullying, cyberbullying, harassment, discrimination, hate crime, coercive behaviour/control, stalking, assault, sexual harassment, sexual assault, and rape, and to help direct those speaking out to find supports relevant to their experiences.</p> <p>Speak Out is completely anonymous. There is no way of identifying or contacting anyone who uses the tool. Tailored information about specialist supports is provided to users.</p> <p>The data collated through the tool is very valuable to institutions as it helps to inform and improve responses to issues such as sexual harassment, sexual violence, bullying and discrimination.</p>
Anonymous reporting (online)	Anonymous reporting refers to reports that are made without a named Reporting Party. In TUS that is through the Speak Out tool.
Disclosure	Incidents of Sexual Harassment and Sexual Violence, disclosed by an individual staff member, student or other member of the college community, to any member of the TUS community This category could include reports made to HR, ESVH Allies, student union officers, training facilitators etc. that were not formally reported.
Formal Complaint	A Formal Complaint occurs when a person makes a formal statement about Sexual Harassment and Sexual Violence to the Sexual Violence & Harassment Prevention and Response

⁴ THEA (2021)

	Manager). The Formal Complaint will be managed in accordance with this TUS policy and accompanying procedures.
Safety plan	Actions may be taken by TUS at any stage with the aim of protecting all parties. Any such measures will be reasonable and proportionate and will have the minimum possible impact on the Responding Party, while also providing a safe environment for the Reporting Party for an agreed duration. These measures are not disciplinary sanctions, and they do not indicate that TUS has drawn any conclusions regarding any alleged breach of discipline, failure to meet the required standard of conduct, or criminal offence.
Vexatious complaint	A vexatious complaint is an allegation made without foundation, where a person knowingly or without regard to whether it is true or not, accuses another person of alleged Sexual Harassment or Sexual Violence against them.

Statement of commitment

TUS is committed to fostering a safe, respectful and supportive campus culture. Students and staff of TUS are its greatest assets, and all members of the TUS community should expect to be able to excel, and to be respected and valued for their unique perspectives, traditions, and contributions. TUS is committed to supporting and promoting gender equality and through this commitment does not condone any form of Sexual Harassment and Sexual Violence. TUS commits to implementing the National Framework for Promoting Consent and Preventing Sexual Violence for both staff and students: “*Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019*”. This framework has supported the development of this policy.

TUS considers Sexual Harassment and Sexual Violence to be unacceptable. When such behaviours have been established to have occurred, they are deemed by TUS to amount to a breach of discipline and a failure to meet the required standard of conduct. In such circumstances, disciplinary procedures as outlined in the TUS Dignity & Respect at Work Policy & Procedures and TUS Dignity & Respect at Work Policy &

Procedures will apply. Subject to the gravity of any breach, sanctions can range up to and including suspension and expulsion / dismissal.

Noting the importance of the first response that a person receives when disclosing an alleged experience of sexual violence or harassment, TUS commits to providing training to staff and student leaders to become ESVH Allies.⁵ Furthermore, all staff will be offered training on how to refer a student or staff-member to the TUS Sexual Violence Prevention and Response Manager.

1. Purpose

The purpose of this policy and procedure is to provide a safe working and learning environment in which Sexual Harassment and Sexual Violence are unacceptable and where individuals have the confidence and trust in the process to disclose, in the knowledge that their concerns will be dealt with appropriately and fairly.

2. Principles

- 2.1 The policy respects the right of the individual disclosing the experience to choose how to take forward the Disclosure.
- 2.2 When a person makes a Disclosure, it is essential to allow them to take control in making decisions on what to do next. If relevant, the person making the Disclosure should be advised of the important role that the Sexual Assault Treatment Unit (SATU) plays in enabling forensic evidence to be gathered while they are deciding how to proceed. The decision of the individual making a Disclosure regarding whether to report to the AGS (if applicable) will be respected within the constraints of the law.
- 2.3 Trauma informed principles⁶ will guide responses to Disclosures. This includes the principles of safety, choice, support, trustworthiness and empowerment.

⁵ For role definition of Ending Sexual Violence & Harassment (ESVH) Allies, see section 5 of this policy

⁶ Trauma informed care recognises that traumatic experiences terrify, overwhelm, and violate the individual. Trauma informed care is a commitment not to repeat these experiences and, in whatever way possible, to restore a sense of safety, power, and self-worth.

- 2.4 The principle of natural justice or procedural fairness will apply to any investigation of alleged Sexual Harassment and Sexual Violence. Investigations will be undertaken in a fair, reasonable, independent, and impartial manner without presumptions being made about any party.
- 2.5 Harassment can be a single incident, and that behaviour may be considered to be 'harassment' even though it is not directed at a specific staff or student. In this regard the perpetrators intent is irrelevant.
- 2.6 The standard proof for TUS investigations is based on the balance of probabilities. Support and assistance will be provided to all parties affected by a report process, as TUS has a duty of care to all members of its community. The safety and wellbeing of all parties will be of paramount importance to TUS.
- 2.7 Safety plans and, ultimately, any resulting disciplinary actions will be reasonable and proportionate to the matter(s) being investigated and for an agreed duration.
- 2.8 The timelines outlined within this policy should be treated as a guide to all parties involved in the complaints process. It is in the interests of all parties that complaints are progressed in a timely and efficient fashion, in compliance with the timelines in this policy.
- 2.9 If a complaint is found to be vexatious, then appropriate disciplinary action up to and including dismissal or expulsion may be imposed, following due process. A vexatious complaint has the power to disrupt another person's life to a significant extent and the potential damage should not be underestimated. Being accused of Sexual Harassment and Sexual Violence can have a serious impact on any person and reduce their reputation in the eyes of others, even if later shown to not have been proven. Those making complaints - and those involved in early assessment of the circumstances of a complaint - should always be mindful of the context and situational aspects of the event and accept the different perspectives and points of view different people bring to the same event.

- 2.10 Allegations made against current staff and students of TUS on social media/online platforms regarding Sexual Harassment and Sexual Violence will not be tolerated and may be investigated as a breach of the TUS Dignity & Respect at Work Policy & Procedures and TUS Student Code of Conduct and Discipline.
- 2.11 Disclosures will be recorded, anonymously or with the Reporting Party's name with their consent by TUS.

3. Scope of the policy

- 3.1 This policy applies to all TUS students, TUS staff and all who engage with TUS. This policy and procedure relate to all types of Sexual Harassment and Sexual Violence allegation: staff-to-staff; student-to-student; staff-to-student; and student-to-staff. Further, this policy and procedure also applies to all who are engaged with TUS and are party to alleged Sexual Harassment and Sexual Violence during that engagement. This includes those who provide or avail of its services. This includes, but is not limited to contractors, vendors, visitors, external members of institutional clubs and societies.
- 3.2 This policy extends to any alleged Sexual Harassment and Sexual Violence that occurs:
- either on or off TUS campus or premises, during TUS or related activities, (both in Ireland or overseas) including field trips, conferences, official social functions, and sporting events
 - places where staff and students are representing TUS or are engaged in a TUS connected activity in relation to clubs/societies
 - at non-TUS connected activities on or off campus including social gatherings involving TUS students and staff, or other members of the TUS community as defined above, where the alleged incident(s) has a direct impact on the student/staff when there is ongoing interaction between the individuals in a university related environment.

- 3.3 This policy extends to any alleged Sexual Harassment and Sexual Violence incident whether it occurs in person, in writing, by phone, online or by any other means.
- 3.4 Where students or staff-members are accepting a placement, internship, or secondment in other organisations, they should be advised to make themselves aware of the relevant policies in these organisations. Where a complaint is made whilst they are on placement or secondment, TUS students or staff may be subject to the policies of these organisations as well as under this Policy.
- 3.5 Where the Responding Party is neither a student nor a staff member, action(s) to be taken will necessarily be determined on a case-by-case basis in accordance with the role/function of the Responding Party. For example, the matter may be referred to the relevant third-party employer of contracted services.
- 3.6 There is no timeframe within which Formal Reports should be lodged. However, a delay in reporting may affect TUS's ability to investigate.

Statutory Context

In implementing this Policy and Procedure, TUS will be mindful of its obligations to students and staff under relevant legislation including but not limited to:

- Criminal Law (Rape) Act, 1981
- Data Protection Act 1988 – 2018
- Prohibition to Incitement of Hatred Act 1989
- Criminal Law (Rape) (Amendment) Act, 1990
- Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work Order 2020) (SI no 674 of 2020)
- Non-Fatal Offences Against the Person Act 1997
- Employment Equality Acts, 1998 – 2015

- Equal Status Acts 2000 - 2018
- Safety, Health and Welfare at Work Act 2005
- Irish Human Rights and Equality Commission Act 2014
- Protected Disclosures Act 2014
- Children First Act 2015
- Criminal Law (Sexual Offences) Act 2017
- Criminal Justice (Miscellaneous Provisions) Act 2023

This list is not exhaustive, and TUS will comply with all Irish legislation as it is enacted.

The procedures outlined in this policy will be implemented in a manner compliant with the Data Protection Acts 1988 to 2018; and the General Data Protection Regulation (EU) 2016/679 and the TUS Data Governance Policy.

4. Allegations relating to minors and vulnerable adults

There are additional statutory responsibilities where minors and vulnerable adults are concerned. TUS is obliged to report any Disclosures of child sexual abuse, assault, ill-treatment, or neglect of children to Tusla- Child and Family Agency under the reporting responsibilities of the Children First Guidance and legislation and the TUS Child Protection Policy. This report is made through the Designated Liaison Person (as outlined in the Child Protection Policy).

5. Roles and responsibilities

The following designations have practical responsibility for creating a safe and respectful campus culture.

Governing Body including TUS Governing Body Sub Committee on	Governing Body oversees the work of the EDI Steering Committee and receive an annual report from this group, through the Governing Body Sub-Committee on People, Culture & EDI, on the implementation of the policy and supporting framework and monitor emerging trends.
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People, Culture and EDI.	Engage in relevant training in relation to equality, diversity and inclusion including dignity, respect and addressing Sexual Harassment and Sexual Violence
TUS Management	<p>Lead and champion a positive culture of dignity and respect free from sexual violence and sexual harassment through an understanding of this policy.</p> <p>Set appropriate standards of acceptable behaviour for all members of the TUS community and set an example through their own actions and deeds</p> <p>Encourage employees and students to disclose if experiencing issues of sexual violence and sexual harassment.</p>
Promoting Consent and Ending Sexual Violence Sub-Committee	<p>Provide guidance and direction in relation to the implementation of the Sexual Harassment and Sexual Violence policy and supporting framework to support a culture of dignity and respect.</p> <p>Support the socialisation of the Speak Out Platform within TUS</p> <p>Review relevant policies to ensure that they are explicitly linked to clear lines of responsibility, active responses, institutional reporting, and are subject to regular review.</p> <p>Support further exploration of anonymous reports to assess the culture in a particular area in relation to measuring the impact of the policy.</p> <p>Support student and staff education and development to ensure a campus-wide understanding of consent, sexual violence and harassment.</p> <p>Support a training plan for staff and students who contribute directly to providing dedicated initiatives and services.</p> <p>Monitor statistical data relating to reports made under the Speak Out tool, formal complaints and Disclosures made using the</p>

	TUS Policy and Procedure for Responding to Sexual Violence and Sexual Harassment.
	Ensure there is transparency in relation to addressing Sexual Harassment and Sexual Violence in TUS through the publication of statistics and actions to address themes arising.
	Advise on best practice nationally and internationally.
	Actively participate in relevant external networks and share information from these networks
	Act as champions for a positive culture of dignity and respect and trust in the process.
	Report into and make recommendations to the EDI Steering Committee and Senior Management on a quarterly basis and report annually to the Governing Body.
	Fulfil reporting requirements to the HEA
	Monitor the resourcing needs of staff and students to support this work
Individual Members of TUS Community	Understand which behaviours associated with this policy that are not acceptable and not tolerated.
	Not subject fellow colleagues or students to sexual harassment and sexual violence.
	Participate in awareness raising and training initiatives that are provided.
Student Counselling	Publicise the Speak Out Tool to students.
	Facilitate the Community of Practice for the ESVH Allies.
Sexual Violence & Harassment (SVH)	Create and implement an education, training and awareness-raising plan for staff and students, to increase awareness of sexual violence and harassment and to ensure that staff are aware of appropriate policies and their responsibility to comply

Prevention and Response Manager and EDI Office	with them. This will include Consent workshops, Bystander Intervention training, training on responding to an initial Disclosure and other appropriate programmes such as support training for staff on responding to an initial Disclosure, bystander intervention training
	Develop a communications plan on preventing and responding to sexual violence and harassment that will reach internal and external stakeholders. This will include web pages and social media presence.
	Liaise with student counselling in relation to student trainings on promoting consent and preventing sexual violence and sexual harassment.
	Implement and monitor TUS reporting and data gathering systems, including anonymous reporting tools.
	Provide oversight, help and support to the ESVH Allies Community of Practice in TUS.
	Report on number of cases, trends and outcomes on an annual basis to the Equality, Diversity and Inclusion Steering Committee and Governing Body

The following designations have practical responsibility in responding to a Disclosure or Formal Complaint

ESVH Allies	Specially trained to receive staff or student Disclosures in an independent and non-judgemental manner and signpost to supports and services as appropriate.
	Provide objective advice on the options available in accordance with the policy and procedure with the aim of the Reporting Party making an informed choice as to how they wish to proceed.

	<p>Have an awareness of the TUS Policy and Procedure for Preventing and Responding to Sexual Violence and Sexual Harassment and reporting options.</p>
	<p>Complete and submit Disclosure data to the Sexual Violence Prevention and Response Manager to support TUS commitment to gather this data.</p> <p>This data only refers to the gender, relationship to TUS of the reporting party and relevant campus.</p>
Sexual Violence Prevention and Response Manager	<p>Provide objective advice on the options available in accordance with the policy and procedure with the aim of the Reporting Party making an informed choice as to how they wish to proceed.</p>
	<p>Support Disclosure mechanism</p>
	<p>Initiate and be involved in Preliminary Review and Formal Investigation Stages of Formal Complaint</p>
	<p>Support creation of safety plan for affected staff and students if required</p>
Registrar's Office/ Human Resources	<p>Support Sexual Violence Prevention & Response Manager in Preliminary Review if required</p>
Investigating Officer(s)	<p>Conduct investigation based on formal complaint</p>
TUS Management	<p>Respond sensitively and promptly to students and staff who make a Disclosure or complaint.</p>
	<p>Support referrals to Student Counselling and Student Health as appropriate with students' consent</p>
	<p>Relevant TUS Management involved in disciplinary procedures as is outlined in Student Code of Conduct and Disciplinary</p>

	Procedure and National Institutes of Technology Disciplinary Procedure
Student Counselling	Support all students affected by Sexual Harassment and Sexual Violence: both reporting and responding parties
	Support creation of a safety plan for affected students if required

Conflict of interest

The University will be mindful of conflicts of interest at every stage of the Procedure and all persons involved in the Procedure will be independent of any other part of the process. The University will manage any such conflicts where they arise. If there is a conflict of interest in relation to any individual involved in the Procedure, for example, if that person has in some way already been involved in the Report or any other part of the Procedure or is in some way connected to the Reporting or Responding Parties, that person will be excused and an alternative person will be appointed in their place. Due regard will be given to the University's Conflict of Interest Policy.

6. Confidentiality

- 6.1 When a Formal Report is made, both the Reporting and Responding Parties have a right to privacy and protection, and information should only be shared on a need-to-know basis. If an investigation ensues, all matters relating to the investigation and any ensuing disciplinary procedure are strictly confidential to the parties and their representatives involved and breach of this confidentiality may result in disciplinary action.
- 6.2 The requirement for confidentiality extends to all who are party to a Report, including witnesses and to those managing the complaint.
- 6.3 All parties must maintain confidentiality when establishing and implementing a safety plan.
- 6.4 Limitations to confidentiality include the following situations:

- Where there is a risk that the Responding Party may pose a threat to the physical or psychological safety of others.
- Where the Reporting Party is a minor or vulnerable adult see (section 5 above)
- In case of a criminal investigation, on the request of AGS

7. Related Documents

This policy should be read in conjunction with the following policies, procedures and codes:

Students

- [TUS Student Code of Conduct and Discipline 2022 – 2025](#)
- [Student Policy on Dignity and Respect: Dealing with Harassment and/or Bullying among Students 2022- 2025](#)
- [TUS Student Complaints and Problem Resolution Procedure 2022 - 2025](#)

Staff

- [TUS Disciplinary Procedure](#)
- [Dignity and Respect at Work Policy and Procedure](#)

Students and staff

- [Child Protection Policy](#)
- [Grievance procedure](#)
- Health and Safety Guidelines

8. Record Keeping and Data Collection Mechanisms

8.1 TUS will develop a centralised, data-collection mechanism.

8.2 The Sexual Violence Prevention & Response Manager will maintain a central record of Disclosures and Formal Complaints to enable effective engagement in prevention and response initiatives. All Disclosures will be recorded in a soft copy, password protected central register with the permission of the Reporting

Party. Where a Formal Complaint has been made, all actions and decisions taken, and the outcome of the investigation should be recorded in the relevant office based on the status of the Responding Party.

- 8.3 All such data will be retained in accordance with the GDPR, with data subjects allowed access to their information in accordance with the GDPR and the [TUS Data Retention Policy](#) and Schedule.
- 8.4 The primary purpose of retaining Formal Reports is to enable appropriate investigation and outcomes and improving the safety of the TUS community. Aggregate analysis of formal complaints, Disclosures and anonymous reports will be conducted to inform the development of initiatives and activities designed to prevent Sexual Harassment and Sexual Violence and to enhance supports for those experiencing Sexual Harassment and Sexual Violence.
- 8.5 Quarterly internal analysis of trends (considering number of Disclosures, number of Formal Reports, number of investigations and outcomes) will be carried out to identify any systemic problems that can be addressed by TUS. Any reporting of this analysis will be aggregated thereby ensuring the anonymity of individual cases.

9. [Communication of the Policy and related Procedure](#)

- 9.1 Communication of this policy and related procedure to relevant parties will be achieved by:
- Bringing the policy and procedure to the attention of management, staff, students and ensure that it is available to relevant external parties that students engage with as part of their studies.
 - Referencing the policy and procedure as part of induction training for new students and new staff.
 - Providing a clear reference to the policy and procedure in the student and staff handbooks.
 - Publishing the Policy and Procedure on the TUS website.
 - Training relevant staff in dealing with cases of Sexual Harassment and Sexual Violence, on how to respond appropriately and how to refer to the Sexual Violence Prevention and Response Manager.

- Including reference to the policy and procedure in Student Union publications and initiatives.

9.2 Students participating in Work Placement should be made aware of the relevant Sexual Harassment and Sexual Violence policies of their placement organisations as part of placement preparation.

10. Seeking support

Where an individual is on campus and appears to be physically injured and/or distressed, the institution's emergency phone-numbers should be used. When this occurs out of hours or off-campus, Emergency Services should be contacted. Details of emergency contacts should be highly visible throughout campus and on the [TUS website](#).

In many cases, an individual may seek support sometime after an alleged incident has occurred. TUS support services or contact persons, as outlined on [TUS website](#) are in place for individuals who believe that they have been subjected to sexual violence or harassment.

When a Disclosure of sexual violence or harassment is received by a member of TUS staff or student leadership, it is important that they listen and provide a safe space for the individual to speak about what has happened. The Reporting Party should be given factual information in relation to the various internal and external support services available and the various reporting options. Where an individual wishes to take some time before deciding on a course of action, the option of attending a Sexual Assault Treatment Unit (SATU), if relevant to the form of Sexual Harassment and Sexual Violence, should be noted for preservation of evidence in the meantime. If the nearest SATU is one which has limited opening hours, every effort will be made to support the individual to attend a different SATU if they wish to do so.

11. Safety Plan

The University will provide information on support resources available and implement a safety plan as appropriate to the Reporting Party, Responding Party, and witnesses involved in alleged incidents of Sexual Harassment and Sexual Violence. Access to support and safety planning is not contingent on making a formal complaint. The

purpose of this plan is to help mitigate, as far as is practical, against ongoing interaction between the reporting and Responding Party.

Specific elements of a safety plan will be developed on a case-by-case basis. Details of possible actions taken in a safety plan are detailed here [FAQ](#). The duration of the safety plan will be agreed with the Reporting and Responding Parties and relative to any parallel processes being administered by TUS.

- For cases involving students, a safety plan will be developed by the Sexual Violence Prevention & Response Manager with the support of Student Support services, Fees and Grants Office, Registrar's Office, relevant Academic staff, and other relevant areas.
- For cases involving staff, a safety plan will be developed by the Sexual Violence Prevention & Response Manager with the support of the HR Manager, the Employee Assistance Programme and relevant staff. All safety plans will be administered in confidence.

The Reporting Party and Responding Party will each have a member of staff assigned to them to offer welfare and pastoral support. This support will be separate; one member of staff will not provide support to both parties. Staff in these roles are trained specifically to support either Party during or after an investigation.

12. Reporting procedures

Reports relating to alleged Sexual Harassment and Sexual Violence may be made using any of the following options:

- Anonymous Report (online)
- Making a Disclosure
- Formal complaint

Regardless of the reporting mechanism, supports are made available throughout the process (see section 11). Flowcharts of these reporting processes are available in Appendices 2 - 5.

13. Making an Anonymous Report

Anonymous reports can be made through the Speak Out anonymous reporting tool available on the TUS Website. No identifying information about the Reporting Party or Responding Party is captured in this tool. Given the anonymity of this reporting option, it is not possible to provide any specific follow up or offer resolution to the issue identified by the Reporting Party. The information used in the anonymous report will be used for trend-monitoring purposes to inform prevention and response initiatives only. Making an anonymous report initially, and accessing specific supports, may subsequently empower the Reporting Party to look at further reporting routes.

14. Making a Disclosure

An initial approach to one of the ESVH Allies or the Sexual Violence Prevention & Response Manager. The Reporting Party will be given practical information on how to avail of relevant counselling supports, both institutional and external.

They may also make a Disclosure to other TUS staff. They will be signposted to the Sexual Violence Prevention & Response Manager for further support.

They will also be given information about all available reporting options, which include:

- Make an anonymous report through Speak Out process on the TUS website;
- Seek an informal resolution, if relevant.
- Make a Formal Complaint;
- Notify AGS;
- Seek counselling or attend a specialist support service;
- Attend a Sexual Assault Treatment Unit (SATU) while taking some time to consider the options.
- Do nothing further.
- A combination of the above.

If you as a member of the TUS community receive a Disclosure and are unsure what to do, please see [How to support your peers](#).

15. Informal Resolution

After making a Disclosure, the Reporting Party may request an Informal Resolution. The Sexual Violence Prevention & Response Manager will assess whether the Disclosure falls within the remit of this policy. If the case appears to be of sufficient seriousness, an informal resolution may not be appropriate.

- A safety plan will be put in place, as required for the duration of the Informal Resolution process.
- If appropriate and only if safe, the Reporting Party should explain clearly to the Responding party the behaviour in question is unacceptable.
- In circumstances where the Reporting Party finds it difficult to approach the Responding Party directly, they should seek assistance from the Sexual Violence Prevention & Response Manager, or another manager who has been appropriately trained, where it is safe and appropriate to facilitate this meeting. If the Sexual Violence Prevention & Response Manager has received a Disclosure or has been contacted by the Reporting or Responding Party for support or information, they cannot facilitate the Informal Resolution process.
- The facilitator of the informal resolution process does not have any decision-making role in this context. Their role is confined to facilitating the parties in reaching a mutually agreeable solution. This process is only possible with the agreement of both parties to the dispute, and both parties may be accompanied by a mutually agreed person of their choice for support. This process may conclude by directing the Responding Party to cease an activity or amend behaviour or coming to an agreement with them as to a particular course of action with respect to their behaviour.

This stage of the informal process will normally be concluded within 15 working days. If an informal resolution cannot be realised at this point, or if the behaviour of the Responding Party has escalated within this timeframe, the Reporting Party may use other reporting mechanisms.

A written record will not be retained beyond the conclusion of the informal resolution process. See Appendix 4.

16. Making a Formal Complaint

A Formal Complaint occurs when a person submits a formal complaint form to the Sexual Violence Prevention and Response Manager.

To lodge a Formal Complaint, the Reporting Party must complete the Formal Complaint Form (Appendix 1) and submit to the Sexual Violence Prevention and Response Manager. To facilitate students or staff with additional needs, alternative means of making a Formal Complaint should be available, including doing so in person with a scribe.

The Sexual Violence Prevention & Response Manager will acknowledge receipt, in writing, of the Formal Complaint by the Reporting Party, within 5 working days of submission, also outlining the process and timeline for the preliminary review (see section 17 below).

17. Preliminary Review

Responsibilities of Preliminary Review	Assess whether allegations may be considered within scope of policy.
	Recommend Safety plans and implement as required for the duration of the Preliminary Review.

17.1 The purpose of a preliminary review is to assess whether the allegation made within the formal complaint falls within the scope of the TUS Policy and Procedure for Responding to Sexual Violence and Sexual Harassment. The Sexual Violence Prevention & Response Manager will conduct the Preliminary Review. If the Sexual Violence Prevention & Response Manager has facilitated the informal resolution process for a complaint, the preliminary review will be conducted by another senior member of the EDI team. Allegations that, upon examination at this stage, do not fall within the scope with the definition of Sexual Harassment and Sexual Violence may be addressed under another applicable TUS policy or procedure.

- 17.2 The preliminary review will be based on the written submission of the Reporting Party only.
- 17.3 The preliminary review will be administered by the Sexual Violence Prevention & Response Manager who will, if necessary, seek advice from a representative from the Registrar's Office if the Responding Party is a student, or from Human Resources if the Responding Party is a staff member.
- 17.4 All individuals involved in the preliminary review will have received training in trauma-informed approaches to sexual violence and sexual harassment.
- 17.5 The preliminary review should be conducted within 10 working days of receiving the Reporting Party's Formal Complaint by the Sexual Violence Prevention & Response Manager.
- 17.6 The decision whether TUS can investigate will be made at the preliminary review stage. If the preliminary review concludes that the allegations fall within the scope of the TUS Policy and Procedure for Responding to Sexual Violence and Sexual Harassment, TUS should initiate a formal investigation.
- If the Responding Party is a staff member, the formal investigation process will be in line with the TUS Disciplinary Procedure on Gross Misconduct.
 - If the Responding Party is a student, the TUS Student Code of Conduct and Discipline and Discipline Stage 2, Level 2 will apply.
 - Under this policy the investigation will be conducted by an external investigation team.
- 17.7 Before any action is taken by TUS, the Reporting Party will be asked to attend an initial meeting with the Sexual Violence Prevention & Response Manager during which the procedure for investigations will be explained and the details of the formal complaint report will be confirmed. If the Reporting Party is unwilling for the Responding Party to be informed of the allegation against them, the investigation cannot proceed. A note of the initial meeting will be sent to the Reporting Party who will be asked to confirm whether it is an accurate summary of the discussion and confirm whether they agree to

participate in an investigation. At this stage a recommended Safety plan will be put in place if not already done so, before the Responding Party is informed of the allegation made against them for the duration of the Formal Complaint investigation.

- 17.8 Following receipt of the Formal Complaint, the Responding Party will be notified in writing and sent the Formal Complaint and all policies and procedures within 5 working days.
- 17.9 The Reporting Party will be expected to indicate whether a complaint has been or will be made to the AGS. Where this has occurred, the process in TUS may be paused after preliminary review while the AGS investigation takes place. The decision regarding whether to pause an investigation will be determined on receipt of confirmation of an AGS investigation being undertaken and/or legal advice.
- 17.10 If the Formal Investigation is necessarily paused, the preliminary review may recommend amending the Safety Plan for an agreed duration. The Responding Party and the Reporting Party (and, if relevant, any witnesses) will be informed of any Safety plan measures and their duration. If there are any changes to these measures throughout the process, both parties will be informed. If the Reporting or Responding party does not agree to abide by the recommended Safety plans, they will be suspended from their work or studies for the duration of the investigation.
- 17.11 Ultimately, if the Responding Party is convicted in court of law, this can be relied upon to establish a disciplinary offence without requiring further TUS investigation. If the Responding Party is acquitted following a criminal investigation, the investigation is discontinued or there is no decision to prosecute, TUS may still conduct its own investigation if the behaviour constituted a breach of this policy, or other related TUS student or staff policies.
- 17.12 All matters relating to the preliminary review are strictly confidential.

18 Formal Investigation

- 18.1 The Sexual Violence Prevention & Response Manager administers the formal investigation process and provides regular updates to the Responding and Reporting Parties but does not have any decision-making authority in this investigation.
- 18.2 An external investigator(s) will be appointed to conduct the Formal Investigation. The investigator(s) will be independent and trained in trauma-informed approaches to sexual violence and sexual harassment. TUS will use its discretion in deciding whether to appoint two investigators – one male, one female – for the purpose of gender balance, which can be helpful in cases of trauma.
- 18.3 It will be the responsibility of the Sexual Violence Prevention & Response Manager to update the VP People and Organisation and other relevant senior management at various points in the process, albeit without the identities of Reporting or Responding Parties being revealed. Typically, these points would include:
- Upon receipt of the initial written allegations.
 - After the preliminary review has been completed.
 - After any formal investigation has been completed.
 - After any disciplinary meeting.
- 18.4 The purpose of the investigation is to gather relevant and available evidence, and to provide each party with a full and fair opportunity to present their version of events. All investigation meetings will be conducted sensitively, showing due respect for the rights of all concerned.
- 18.5 Criminal processes and TUS investigations are fundamentally different and the standard of proof in the TUS investigation is lower. TUS investigations seek to determine whether the Responding Party has on the balance of probabilities, breached the policy. For the criminal process, the standard of proof is beyond a reasonable doubt. Only a court can find a Responding Party

guilty of a criminal offence. Institutions' investigations of this kind are limited to breaches of staff and student related policies and procedures.

18.6 The most serious sanction that can be applied as a result of an investigation in TUS is permanent expulsion or termination of employment. For a criminal process, the most serious sanction that can be applied is imprisonment.

18.7 The process of the investigation should be clearly outlined to Reporting and Responding Party in writing by the Sexual Violence Prevention & Response Manager, or another manager:

- The principle of natural justice (procedural fairness) will always be respected in relation to both the Reporting and the Responding Parties, without presumptions being made about either party.
- The investigator will prepare clear Terms of Reference for the investigation.
- At the start of the investigation, the investigator will meet the Reporting Party to ascertain what is hoped to be achieved, to define the precise issues to be investigated, and to explain the range of possible outcomes.
- The investigator will meet the Responding Party and any other witnesses as appropriate.
- Both the Reporting and Responding Parties may suggest relevant witnesses. However, it is the investigator's responsibility to select the most suitable witnesses, choosing those who are likely to have information that will aid the investigator's fact-finding, and to interview these witnesses separately.
- The investigator will conduct the investigation meetings with all parties separately. Where clarification is subsequently required, an additional investigation meeting will be scheduled by the investigator with the relevant party.
- Character witnesses will not be used, as the characters of the Reporting and Responding Parties are not in question.

- An investigation report will be prepared by the investigator.
 - The investigation report's findings should be shared with both the Reporting and the Responding Party to ensure accuracy. The Reporting and the Responding Party will be given opportunity to respond to these prior to finalisation.
 - Rights of Reporting and Responding Party and further information regarding this process is outlined in [Appendix 6](#).
- 18.8 The Reporting and Responding Parties' staff and/or students' unions will be consulted in relation to the investigator to be appointed. Exceptions to this will be where an individual is not a member of a union or where an individual indicates a preference not to have union involvement.
- 18.9 The number of investigation meetings with all parties, including witnesses, should be minimised to lessen the impact on those involved, while also seeking the most complete evidence available.
- 18.10 TUS will take all reasonable steps to conclude the investigation procedure within a reasonable timeframe.
- 18.11 On completion of the investigation, a written report will be submitted to the Sexual Violence Prevention & Response Manager. The Sexual Violence Prevention & Response Manager will share this report with the Reporting and Responding Parties.
- 18.12 The report should outline whether, on the balance of probabilities, Sexual Harassment or Sexual Violence has occurred. If the investigation finds that Sexual Harassment or Sexual Violence has occurred, the case is then brought to a Disciplinary Committee meeting.
- 18.13 If the Reporting or Responding Party is not satisfied with the conduct of an investigation, they may appeal in writing to the Sexual Violence Prevention and Response Manager stating the full grounds of appeal within 10 working days of the date on which the decision was sent or provided to the complainant. The appeal will be dealt under the [TUS Dignity & Respect at Work Policy & Procedures](#) for staff, and the [TUS Student Code of Conduct](#)

[and Discipline](#) for students impartially by a member of management who has not previously been involved in the case. Any appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. It is not a re-hearing of the original issues.

- 18.14 Notwithstanding the provisions of any other TUS policy, reports to the AGS will not be made without the consent of the Reporting Party in cases of alleged sexual harassment or sexual violence. If TUS decides that it is necessary for them to report the sexual harassment or sexual violence to the AGS, then the reasons for taking that action should be explained to the Reporting Party so that they understand what is happening and is prepared if/when the AGS contact them.

19. Disciplinary Meeting

- 19.1 If the outcome of the investigation is such that disciplinary action may be warranted in respect of the alleged Sexual Harassment or Sexual Violence, a disciplinary meeting will be convened.

Membership of Disciplinary Committee if Responding Party is a student
Dean of Faculty
Head of Department
Department Lecturer
TUS staff member from a different department
Representative from TUS SU

If the Responding Party is a staff member the committee will be formed as per [TUS Disciplinary Procedure](#)

- 19.2 Where allegations of Sexual Harassment and Sexual Violence are concerned, it is generally inadvisable to have the Reporting and Responding Parties attend the same meeting. To preserve procedural fairness, alternative options should be explored: for example, separate hearings and recordings of

statements. The Reporting Party may be invited to communicate impact on them and any outcomes that would help their recovery.

- 19.3 Mitigating, aggravating, and compounding factors will be considered in disciplinary decision-making. For example, mitigating factors would be a request for leniency by the Reporting Party or the expression of genuine remorse by the Responding Party. An aggravating factor might be if the Responding Party refused to cease a particular behaviour, despite being previously asked to do so. A compounding factor could be if this is not the first time that the Responding Party has been disciplined for similar behaviour. These examples are not exhaustive.
- 19.4 If the Responding Party is a student, please refer to the TUS Student Code of Conduct and Discipline for sanctions to be applied. If the Responding Party is a staff member, please refer to the TUS Staff Disciplinary Procedure Outcome (TUS Dignity & Respect at Work Policy & Procedures)
- 19.5 Insofar as possible, and subject to TUS legal advice, the outcome of the disciplinary meeting should be shared with the Reporting Party.
- 19.6 If the Reporting Party cannot be made aware of any sanctions arising from the disciplinary process, due to this being confidential to the Responding Party, they should be assured that appropriate actions will be taken, including those to protect the Reporting Party to ensure that a similar situation does not arise in future.

20. Making an Appeal

If the Reporting Party or the Responding Party does not accept the decision of the Investigating Officer/Team, or if the Responding Party does not accept the action with respect to the decision of the Disciplinary Meeting, an appeal to a Disciplinary Appeals Board may be made. In this instance, the Sexual Violence Prevention & Response Manager will facilitate the appeals process but will not be involved in the decision.

There should be no overlap between the investigation team and those involved in the preliminary review, disciplinary panel, and any appeals process.

- If the person making an appeal is a student, they may follow the appeals process as outlined in the TUS Student Code of Conduct and Discipline.
- If the person making an appeal is a staff member, they may follow the appeals process as outlined in the TUS Disciplinary Procedure.

Appendix 1- Formal Complaint of Sexual Harassment and Sexual Violence form

Please see Privacy Statement at the end of this form.

Guidance on completing the Sexual Harassment and Sexual Violence Form

When to use this form:

This form should be used if you wish to report an incident (s) of sexual violence or sexual harassment to the University to initiate formal procedures and the Responding Party is a member of the University community (as defined in policy).

Completing the form:

Please complete the form to the best of your ability. You may choose or be unable to fill some sections, that is understandable given the nature of trauma.

If you with additional needs, alternative means of making a Formal Complaint will be available, including doing so in person with a scribe.

The form has 4 sections

- Reporting party: The person who makes a complaint that they have been subject to Sexual Harassment and Sexual Violence.
- Responding party: The person who has allegedly carried out the Sexual Harassment or Sexual Violence and against whom a report of Sexual Harassment or Sexual Violence has been made
- Incidents/Information: Use this section to describe what has happened. The more information available on the form, the less information the investigator may need to elicit from you in the investigation meeting. This section also asks for information on witnesses, you may have witnesses who have knowledge of the incident(s). Please ensure that the witnesses you include have given their consent to be involved in the investigation
- Supporting documentation: Supporting documentation might include evidence of communications (emails, text messages, social media correspondence), photos etc.

Submitting the form:

After you submit the form, you will have an opportunity to meet with the Sexual Violence Prevention and Response Manager. If after this meeting, you wish to continue with the formal process an investigation will be conducted.

1. Reporting Party	
Name	
Email Address	
Phone	
Gender	
Campus	
Department	
Student / Staff Status	
2. Responding Party	
Name	
Gender	
Relationship to Reporting Party	(e.g. friend, peer, partner, stranger, lecturer, colleague, etc.)
Affiliation with TUS	(e.g. student, staff, other) if known
Campus	
Department	

3. Incident/s Information

Date and Time of Incident/s	
Please provide a description of the incident/s.	(add more pages if necessary)
Please provide the details of any witnesses to the incident. Please include their email address if known.	
Have you told anyone about this incident?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, who:
Have you notified the An Garda Siochana?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> I would like more information on this option.

4. Supporting Documentation

Are you submitting supporting documentation?

Yes No If yes, please describe (where possible, please submit this with your report):

Signature:

Date:

(You may type your name)

Please submit any supporting documentation with this form. Please email the completed form to the Sexual Violence Prevention & Response Manager, at svh@tus.ie

Receipt of Report

Name	
Title/Role and Department	
Date of receipt of report	
Actions being take on foot of report	
Date until which this report will be retained	

Privacy Notice

What information do we collect and how do we collect your data:

- The information we collect for this process is confined to the following items: Name currently on record; Student or Staff ID Number; Email; Contact Number.
- This data is collected for this purpose only by means of your completion of this form.

The purpose and legal basis for processing:

- This data is collected for the purpose of assessing whether the alleged incident is within scope of the TUS Preventing and Responding to Sexual Harassment and Sexual Violence Policy and to support a formal investigation if the alleged incident does fall within scope of this policy.
- Data provided in this form will be further processed for statistical purposes at an aggregated, anonymised level. It will be analysed alongside other sources of evidence, including anonymous data gathered via online reporting tools and national survey data, to enhance our understanding of sexual violence and harassment in HEIs, to monitoring trends over time, and to inform policy and practice.
- The lawful basis for the processing is to carry out the instruction you have provided.

Access to the data you provide is available only to:

- Sexual Violence Prevention and Response Manager.
- The Responding Party
- Staff involved in preliminary review.
- External Investigator.

Access is confined to these parties as those are the only parties necessary to ensure the process to carry-out your instructions are practicable.

How long we retain your data:

We store your personal data for as long as is necessary for the purposes set out above.

Your Data-Protection Rights and how to exercise them:

You have the following rights under data protection law, although your ability to exercise these rights may be subject to certain conditions:

- The right to receive a copy of and/or access the personal data that TUS holds about you, together with other information about our processing of that data;
- The right to request that any inaccurate data that is held about you is corrected and incomplete data updated;
- The right, in certain circumstances, to request that we erase your personal data;
- The right, in certain circumstances, to request that we no longer process your personal data for particular purposes, or to object to our use of your personal data or the way in which we process it;
- The right, in certain circumstances, to transfer your personal data to another organisation;
- The right to object to automated decision making and/or profiling; and the right to complain to the Data Protection Commissioner.

Where we hold your data:

Your personal data will be stored only on TUS premises or the secure IT platforms of TUS within the HEA.

Contacts in relation to Data Protection Concerns:

If you have any questions about how your personal information is used, or wish to exercise any of your rights, please contact us at Data Protection

[<dataprotection@tus.ie>](mailto:dataprotection@tus.ie)

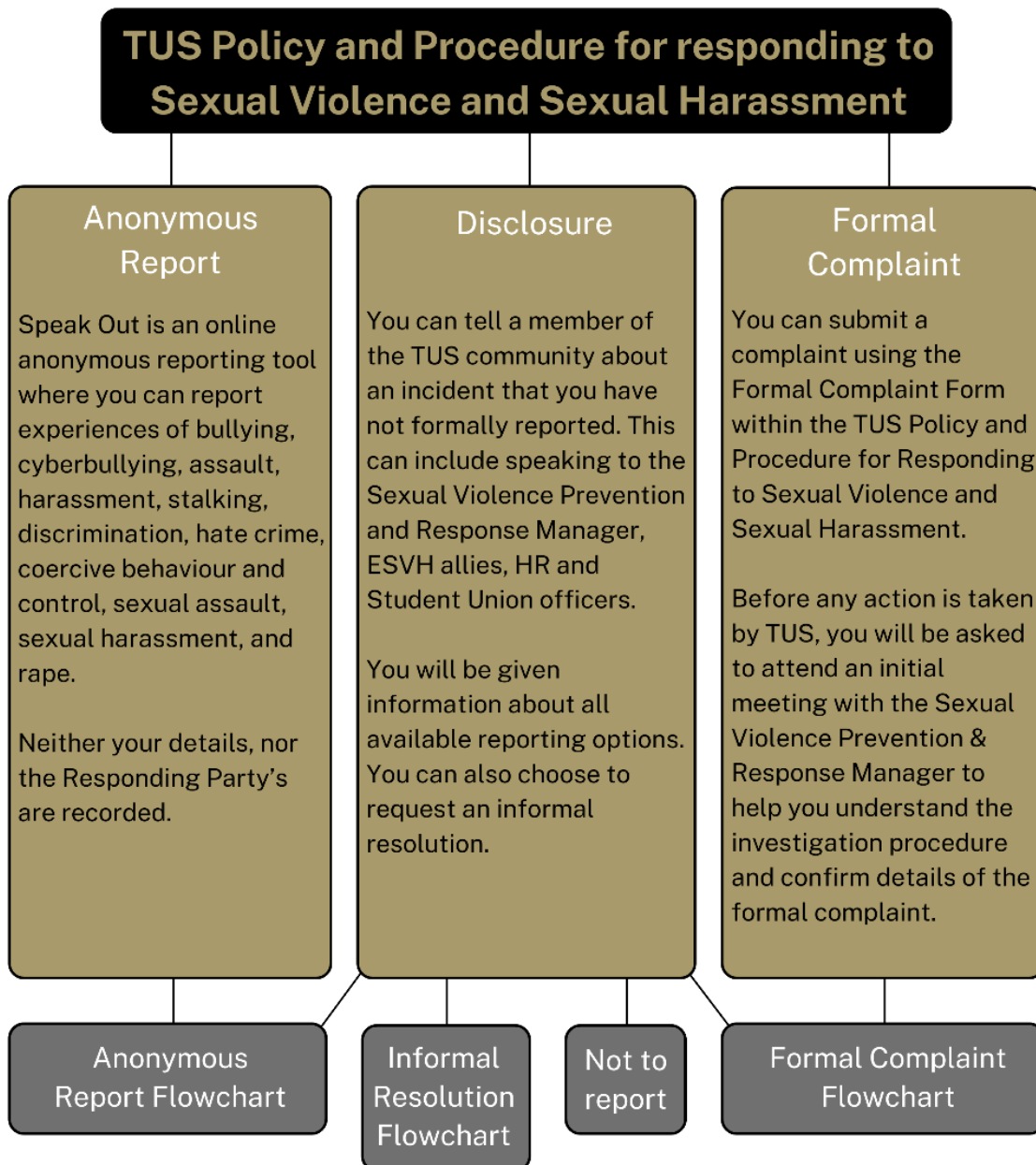
How to make a complaint:

If you are unhappy with the manner in which your personal data is being processed by TUS, you can contact the Data Protection Officer at Data Protection

[<dataprotection@tus.ie>](mailto:dataprotection@tus.ie)

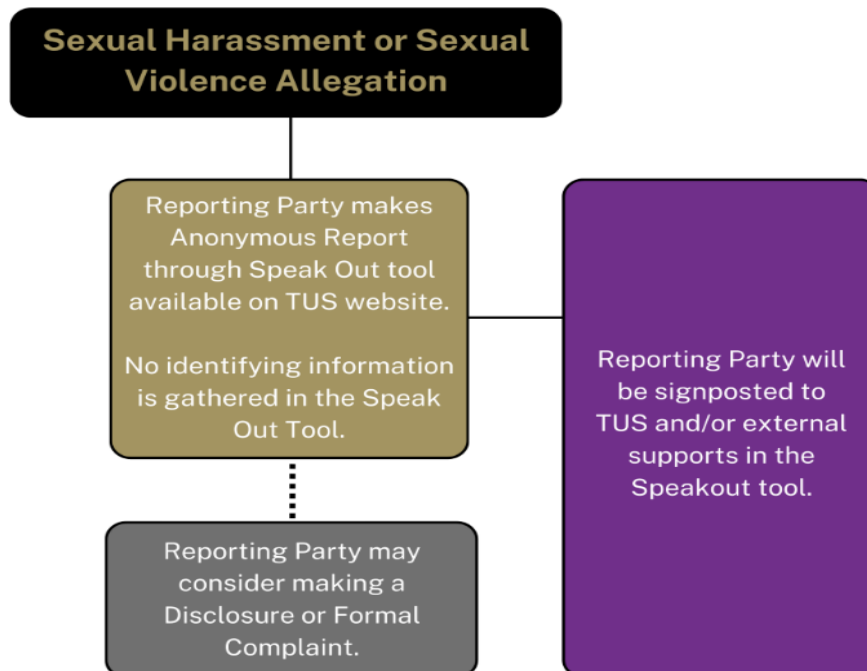
You can also make a complaint to the Data Protection Commissioner by writing to the Data Protection Commissioner, Canal House, Station Road, Portarlinton, R32 AP23 Laois, emailing info@dataprotection.ie or calling +353 (0)761 104 800 or 057 8684800.

Appendix 2- Reporting pathways



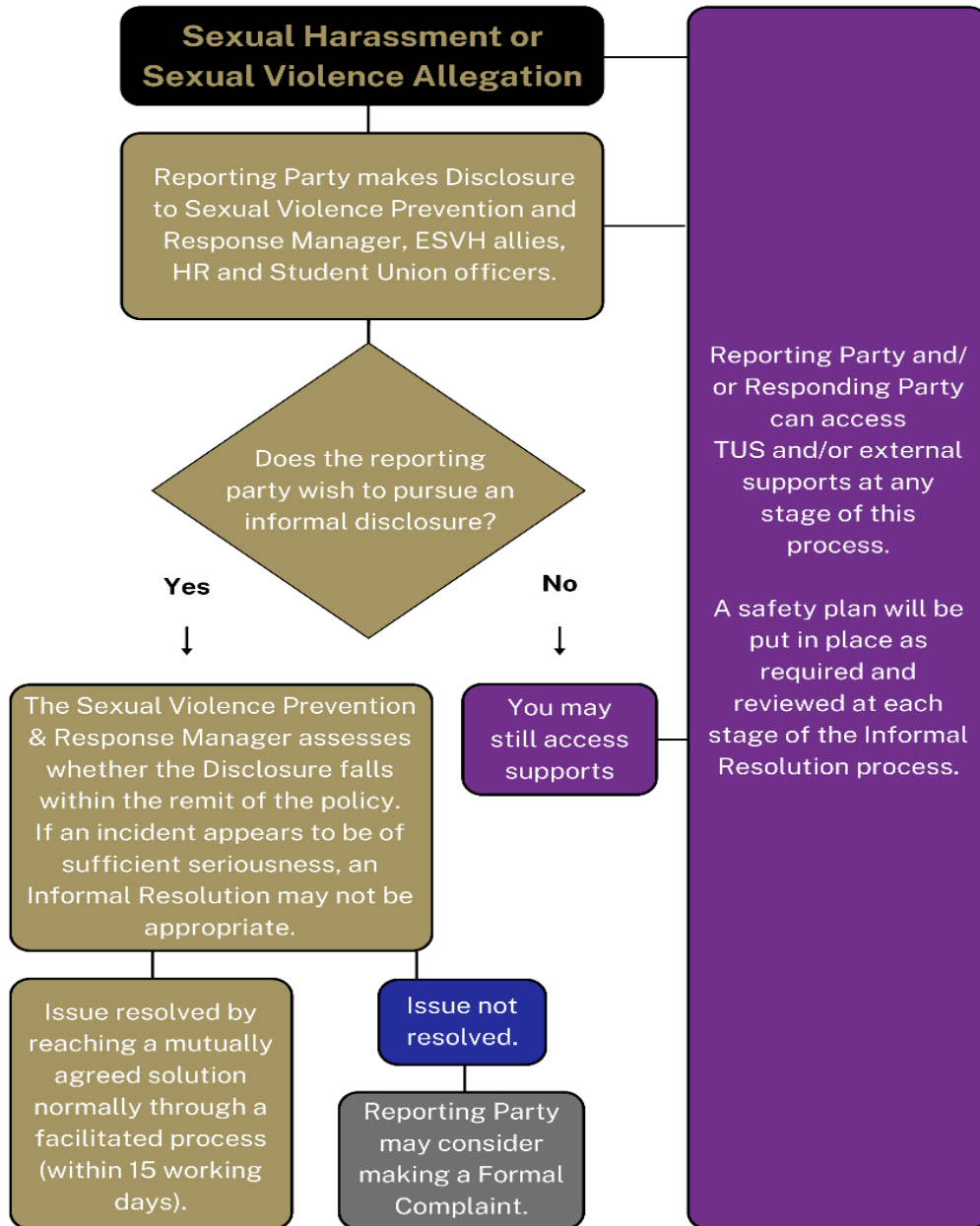
Appendix 3- Anonymous reporting

Anonymous Report Flowchart



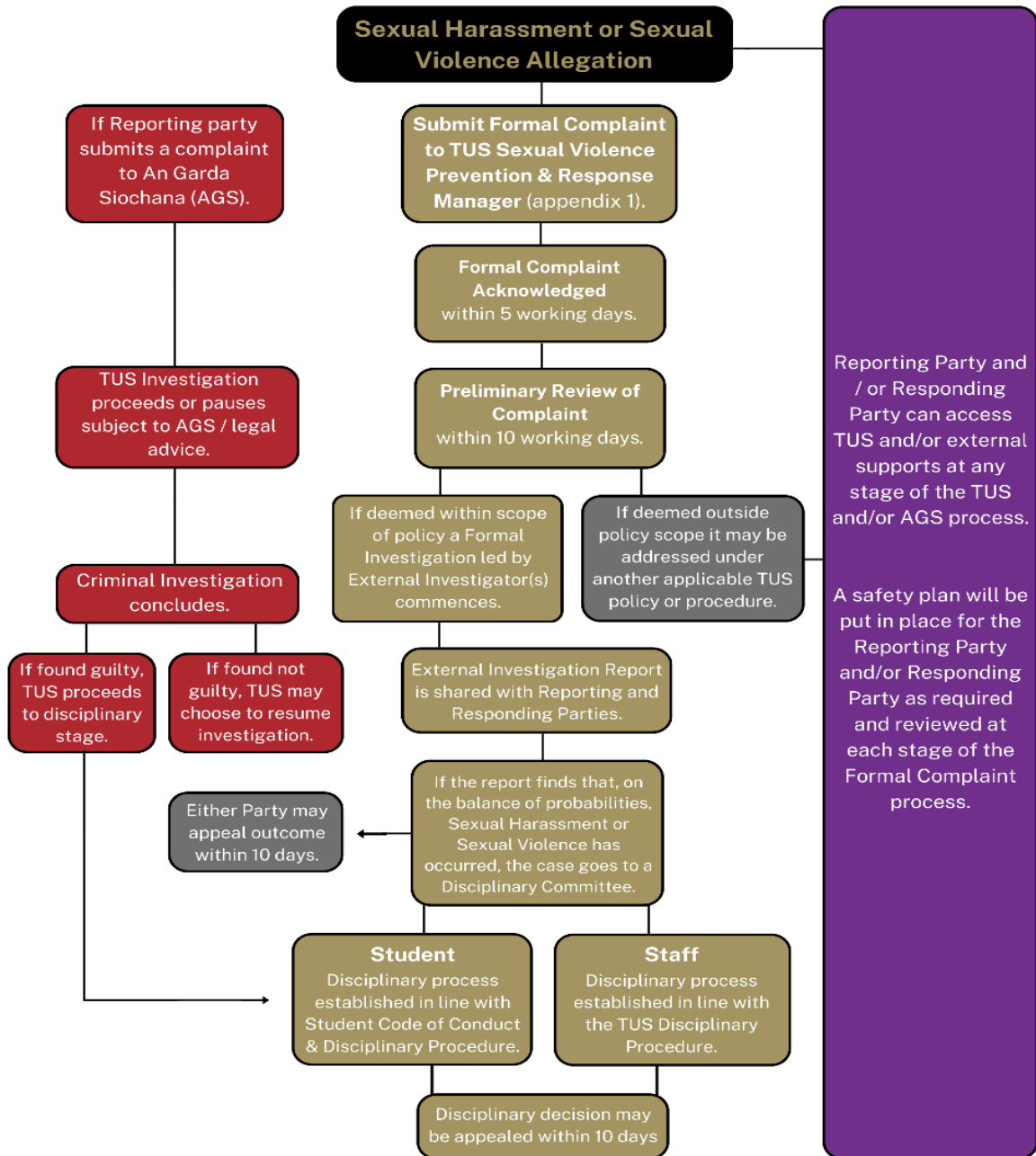
Appendix 4- Informal resolution

Informal Resolution Flowchart



Appendix 5- Formal complaint

Formal Complaint Flowchart



Appendix 6- Reporting and Responding Party rights during formal investigation

Information below is adapted from THEA (2021) *Promoting Consent Preventing Sexual Violence Report* <https://www.thea.ie/contentFiles/PROPEL.pdf>

Reporting Party

- When allegations are first made, the Reporting Party should be advised of the available internal and external supports to ensure awareness of these.
- The Reporting Party should receive a written acknowledgement of receipt of submission from the SVH Prevention and Response Manager within 5 working days of submitting the Formal Report.
- To avoid re-traumatisation, the number of times that the Reporting Party is required to recount their experience will be minimised.
- The Reporting Party should be permitted accompaniment to any interviews that occur during the investigation. The role of the accompanying person is to provide support to the reporting party. Accompaniment by a legal advisor is not ordinarily allowed. Typically, students are permitted to be accompanied by a member of staff, a fellow student, or a member of the Student's Union.
- Under TUS Staff Disciplinary Procedure, staff are permitted to be accompanied by a colleague or a Trade-Union Representative. To ensure that a trauma-informed approach is taken, TUS will allow an external support-person to accompany the Reporting and Responding Parties. This might be a friend or family-member or an external support-service staff member.
- A clear timeline will be given to the Reporting Party at the start of the formal process.
- The Reporting Party should be given the right to reply to any reports/statements arising from the investigation, on matters of fact only, before they are finalised.

Responding Party

- When a formal investigation is initiated, TUS will inform the Responding Party in confidence that allegations of Sexual Harassment and Sexual Violence have been received which involve them.
- The Responding Party will be advised, in writing, of the precise nature of the matters concerned and will be given copies of any relevant documentation in advance of any meetings taking place. Relevant documentation in this case refers to documentation which would have been made available following a request under the Freedom of Information Act. This detail will include the source and text of the Formal Report as received.
- The Responding Party should be advised of the available internal and external supports to ensure awareness of these. The same person will not provide support to both Reporting and Responding parties.
- The Responding Party will be permitted accompaniment to any interviews that occur during the investigation. The role of the accompanying person is to provide support to the reporting party. Accompaniment by a legal advisor is not ordinarily allowed. Typically, students are permitted to be accompanied by a member of staff, a fellow student, or a member of the Student's Union.
- The Responding Party will be given the opportunity, including reasonable time, to consider and to respond fully to any allegations. The Responding Party will be entitled to examine all evidence available and to propose any witnesses or other persons as they deem appropriate in their support. The Responding Party may challenge any evidence that may be relied upon when making a finding. The Responding Party should be given the right to reply to any reports/ statements arising from the investigation, on matters of fact only, before they are finalised.
- A clear timeline will be given to the Responding Party at the start of the formal process.

The Responding Party will be informed that a disciplinary panel will be convened to examine the final investigation report, if deemed required by the Sexual Violence Prevention and Response Manager.