

# Student Sexual Misconduct Policy

## 1. Policy Statement

**1.1** Queen's University is committed to providing a safe environment conducive to the academic, social and personal development of all members of the University. The University will take all reasonable steps to provide a safe environment for all students, staff and visitors to the University. This policy applies to all members of the University.

**1.2** The University regards as unacceptable any form of sexual misconduct and operates a zero tolerance policy with regard to sexual misconduct.

**1.3** All members of the University are expected to conduct themselves at all times, both on and off campus, in a manner which demonstrates respect for fellow students, staff, the University and the wider community. Members of the University are expected to comply with the law, the Student Charter and the University Regulations and to avoid behaviours that may constitute a danger to the wellbeing of themselves or others or may pose a risk to the reputation of the University.

**1.4** Queen's University recognises and takes seriously its duty of care to its members and visitors to the University. If a member of the University has been the victim of sexual misconduct, the University will take all reasonable steps to ensure their physical safety and facilitate their access to appropriate specialist support, while respecting their feelings and decisions. In supporting and safeguarding the University's values, staff and students also have a responsibility to encourage individuals affected by sexual misconduct issues to seek help. The University also recognises and takes seriously its duty to support any member of the University against whom an allegation of sexual misconduct has been made.

## 2. Sexual Misconduct

### Definition of sexual misconduct

**2.1** Within this Policy, sexual misconduct means any unwelcome behaviour of a sexual nature that is committed without consent or by force, intimidation or coercion. Sexual misconduct can be committed by a person of any gender and it can occur between people of the same or different gender. Such behaviour will usually also constitute a criminal offence.

### Examples of sexual misconduct

**2.2** Sexual misconduct may be committed in person and also by letter, email, text or by postings on social media sites. This list is neither exclusive nor exhaustive and other forms of behaviour may be regarded as sexual misconduct.

**2.3** Examples of sexual misconduct include the following:

- i. Sexual intercourse or engaging in a sexual act without consent
- ii. Attempting to engage in sexual intercourse or a sexual act without consent
- iii. Sharing private sexual material of another person without consent

- iv. Kissing without consent
- v. Touching inappropriately without consent
- vi. Inappropriately showing sexual organs to another person
- vii. Making unwanted remarks, suggestive sounds or gestures of a sexual nature
- viii. Spreading rumours about another person's sexuality, name-calling or jokes about sex or gender
- ix. Visual displays of posters, graffiti, pictures or other offensive material.

## 3. Procedure

**3.1** The University acknowledges that every situation is different and the response of the University will depend on the needs of the individual student and the particular circumstances of the case. The University will deal with disclosures of sexual misconduct on a case-by-case basis.

**3.2** The University considers that any student who has been the victim of an incident of sexual misconduct should consider reporting the incident to the Police. The University will support the student to do so; however, the decision whether or not to make a report to the Police rests with the student concerned.

**3.3** The University acknowledges that the Police and Public Prosecution Service are properly tasked to investigate and prosecute criminal offences. The University will co-operate fully with any police investigation and any subsequent legal proceedings. The University will liaise with police but will at no time undertake any investigations or actions which could compromise a police investigation or criminal proceedings. Where a police investigation or criminal proceedings are on-going, the University will normally hold any University investigation in abeyance pending the outcome of any such police investigation or criminal proceedings.

**3.4** Students may decide that they do not wish to report the matter to police or to pursue criminal proceedings but, instead, wish to submit a complaint to the University. The University will investigate allegations of breaches of the University regulations. In complex cases where more than one procedure may apply, the Director of Academic and Student Affairs will decide which University regulations or procedures will be followed.

**3.5** Where an allegation is made by one registered student against another registered student and there is an ongoing investigation, either by the Police or the University, the University may carry out a risk assessment and/or seek to reach agreement between the students about the general facts or issues of the case and the students' future behaviour pending the outcome of any investigation.

**3.6** Where there is evidence to suggest that a student may have committed a disciplinary offence, the Conduct Regulations may be invoked against the student at any time; if so, the student against whom the allegation has been made will be informed and will be given sufficient detail to enable them properly to understand the case against them. The person who has made the complaint may also be informed

that the Conduct Regulations have been invoked against the other student.

**3.7** The penalties for the disciplinary offence of sexual misconduct will vary according to the seriousness and circumstances of the offence but include suspension and expulsion from the University (see Annex 1 of the Conduct Regulations).

**3.8** In the case of students whose programmes of study lead to a professional qualification (eg medicine, dentistry, nursing and midwifery, psychology, teaching, social work, pharmacy, the matter may also be referred for consideration under the Fitness to Practise Procedure.

**3.9** Where an allegation of sexual misconduct is made against a member of staff of the University, the Staff Disciplinary Procedure may be invoked. In such cases, the Director of Human Resources will be informed immediately.

**3.10** The University reserves the right to take disciplinary action against a student or member of staff accused of sexual misconduct of its own volition, even if the reporting student does not wish to make a formal complaint.

## 4. Sources of Advice and Help

**4.1** Advice, guidance and support are available online. Students are encouraged to seek support from the Student Wellbeing Service at

**<http://www.qub.ac.uk/directorates/sgc/wellbeing/>**

Every situation is different and the University's response will depend on the needs and wishes of the individual student and the particular circumstances of the case.