



Student Sexual Misconduct Policy



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Purpose

Dublin City University is committed to providing a safe environment conducive to the academic, social and personal development of all members of the university community. The University will take all reasonable steps to provide a safe environment for students, staff and visitors. DCU regards as unacceptable any form of sexual misconduct and operates a zero tolerance policy with regard to sexual misconduct, in line with our commitment to and membership of the [Ending Sexual Harassment and Violence in Third Level](#) (ESHTE) project.

Scope

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 and the wider community. Members of the University are expected to comply with the law, the Student Charter and University regulations and to avoid behaviour which may constitute a danger to their own wellbeing or the wellbeing of others or which may pose a risk to the reputation of the University. This policy applies to all registered **students** of the University when they are on the campuses and on all other occasions when they are representing the University or are identifiable as students of the University. Furthermore, the policy applies to third level students from other institutions visiting the University.

The **Staff Sexual Misconduct Policy** will deal with any allegations of sexual misconduct against a staff member.

Policy Statement

Sexual misconduct is a broad term encompassing any behaviour of a sexual nature that is committed without consent or could involve force, intimidation, coercion, or manipulation. 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 may also constitute a criminal offence or, at the very least, a breach of the DCU Respect and Dignity Policy.

Sexual misconduct can be committed in a variety of ways including, but not limited to, in person or by letter, email, text or by postings on social media sites. The following list gives examples of sexual misconduct but is neither exclusive nor exhaustive and other forms of behaviour may be regarded as sexual misconduct.

- i. Sexual intercourse or engaging in a sexual act without consent.
- ii. Unwanted physical contact such as unnecessary touching, patting, pinching or brushing against another individual's body.



- iii. Unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- iv. The display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or postings on social media or the sharing of sexual images without consent. It may also include leering, whistling, upskirting, 'cat-calling' or making sexually suggestive gestures.
- v. Gender-based and sexuality-based conduct: this includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an individual because of their gender or sexual preference, such as derogatory or degrading abuse or insults which are gender-related or sexuality-related.
- vi. Visual displays of posters, graffiti, pictures or other offensive material.

The University considers that any student who has been the victim of an incident of sexual misconduct should consider reporting the incident to the Gardaí (Irish police service). The University will support the student in doing so; however, the decision whether or not to make a report to the Gardaí rests with the person concerned. If a student requires advice or wishes to discuss this with a member of staff while considering reporting, they should consult with a member of staff, who will provide confidential advice and guidance, where possible (see 'contacts' below). The University will co-operate fully with any Garda investigation and any subsequent legal proceedings. If the student is under 18, the University has an obligation to report this to the relevant authorities under the DCU [Child Protection Framework](#).

Students may decide that they do not wish to report the matter to the Gardaí or to pursue proceedings but, instead, wish to submit a complaint to the University. The University will investigate allegations of breaches of the University's [Student Code of Conduct](#) and may refer allegations to the University Disciplinary Committee if there is a potential breach. In such cases, the '[Policy to promote Respect and Dignity by preventing Bullying and Harassment](#)' may also apply.

Where an allegation of sexual misconduct is made against a member of staff of the University, the **Staff Sexual Misconduct Policy** will be referred to. In such cases, the Director of HR will be informed immediately.

Where an allegation is made by one student against another and there is an ongoing investigation either by the University and/or the Gardaí, the University will carry out a risk assessment to ascertain any immediate risk to the student or others while the investigation is taking place, and where feasible, take steps to mitigate the risks identified.



Roles and Responsibilities

All members of the University community should be aware of the policy. The following members of the Community hold special responsibility for its implementation:

Director of Student Support & Development (SS&D): Provides advice, guidance and referrals to relevant services. This office will provide personal support when dealing with the police, if required.

Students' Union Sabbaticals: Provide advice, guidance and referrals to relevant services.

Chief Operating Officer: Responsible for ensuring the University meets its legal obligations with regards to sexual misconduct.

Campus Services Coordinator: Responsible for liaising with the Gardaí and assisting any criminal investigation, if required.

Director of HR: Responsible for dealing with allegations against staff members.

Sanctions

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. Each case will be dealt with sensitively and on a case-by-case basis.

The penalties for the offence of sexual misconduct will vary according to the seriousness and circumstances of the offence but may include suspension and expulsion from the University. A sample list of penalties can be found in the DCU Student [Code of Conduct](#).

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

Related Documentation

Students wishing to discuss an alleged incident of sexual misconduct should contact the Director of Student Support & Development or Deputy Director of Student Support & Development. They will provide information and support available to the student, while the student is considering their preferred course of action.



A student can approach any member of staff or the Students’ Union to discuss a case of alleged sexual misconduct, but this must then be discussed with the Director or Deputy Director of Student Support & Development. The Director of SS&D may, in discussion with the student, refer to the DCU liaison Gardaí for an initial *informal* discussion, or other services which may be of benefit to the student. However, action will only be taken on the request of the student.

In the case of a sexual assault, students are strongly encouraged to report immediately to the local Gardaí either with or without the assistance of a member of Student Support & Development, as early reporting is key to any investigation.

Contacts

- Director of Student Support & Development: claire.bohan@dcu.ie
- Deputy Director of Student Support & Development: Annabella.stover@dcu.ie
- Students’ Union: welfare@dcusu.ie

Policy Review

This policy will be reviewed by the University Executive every five years.

Version Control

Document Name	Student Sexual Misconduct Policy	
Version Reference	V1.0	
Document Owner	Student Support & Development & the Office of Student Life	
Approved by	Executive	
Date	Sept 5th 2018	

Appendices – Important Contacts

Student Support & Development	https://www.dcu.ie/students/index.shtml
Students’ Union	http://www.dcsu.ie/
Dublin Rape Crisis Centre	http://www.drcc.ie/
Gardaí (Irish Police)	999

End.