



Procedure for Reporting and Investigating Alleged Gender Based Violence Breaches by Students of ATU

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1. Purpose

This procedure concerns gender-based violence and may be distressing to some readers. Any member of the University community who is affected or distressed is encouraged to seek support (please see 4.2 and 4.3 below).

Appendix 1 sets out the first steps in making a disclosure and Appendix 2 provides contact details for internal University supports and regional and national support services.

This procedure sets out how ATU ('the University') will deal with incidents of gender-based violence where the accused party is a student (as defined in the Technological Universities Act 2018) of the University and includes international students attending the University whilst that student is undertaking studies at the University.

This procedure is part of the University's *Policy on Preventing and Responding to Gender-Based Violence* and should be read in conjunction with that policy. The *Policy on Preventing and Responding to Gender-Based Violence* sits alongside other University policies, including but not limited to, the *AQAE007 Student Code Policy*, *AQAE035 Student Complaints Policy*, *AQAE016 Student Fitness to Practice Policy*, *Dignity at Work Policy* and associated procedures, which may be more appropriate in certain circumstances. If an individual is unsure which policy is most appropriate for their situation, they should contact Human Resources, Student Services, and/or the Sexual Violence Prevention and Response Manager (SVPRM).

For the purposes of this procedure, gender-based violence is any type of harm that is perpetrated against a person or group of people because of their gender, sexual orientation, or sex characteristics. Gender-based violence can be experienced, and can be perpetrated, by anyone but is disproportionately perpetrated against women and girls. Gender-based violence can happen anywhere, including online. Gender-based violence can be sexual, physical, verbal, and/or psychological/emotional.

2. Scope

This procedure applies to all alleged incidents of gender-based violence between members of the University where the respondent is a student. The University operates a separate set of procedures in respect of alleged incidents of gender-based violence where the respondent is a member of staff, or where the respondent is a third party connected to the University in any way (to include, for example, all visitors and volunteers to the University and all contractors and sub-contractors of the University) (see *Procedure for Reporting and Investigating Alleged Breaches by Staff of the Preventing and Responding to Gender-Based Violence Policy*).

A list of the acts and behaviours falling within the scope of the University's *Policy on Preventing and Responding to Gender-Based Violence* is to be found in section 4.1 of that document.

This procedure also applies to students, including international students, whilst they are undertaking studies at the University from another University, e.g., Erasmus. The University may inform the sending institution of the formal complaint and any findings further to an investigation under this Procedure.

This procedure does not cover incidents of bullying and harassment which do not involve gender-based violence. For incidents not involving gender-based violence please see *AQAE007 Procedure for Dealing with Non-Academic Breaches of the Student Code (Disciplinary Procedure)*.

Where the respondent is both a staff member and a student at the University, then Human Resources in consultation with the SVPRM shall determine whether this procedure or the staff procedure will be followed unless the Preliminary Review Panel (PRP) has been convened (see section 4.4.1 and 4.5 below) in which case the PRP shall determine the procedure to be followed. The decision on the appropriate procedure to engage will depend on the specific circumstances of the allegation(s), the most appropriate way of managing the investigation, and any considerations in relation to safeguarding and risk management.

3. Reference Documents

This procedure has been developed with in line with prevailing national and EU legislation, policy, and research including, but not limited to:

- EU Directive 2024/1385 on Combating Violence Against Women and Domestic Violence (2024)
- Central Statistics Office (CSO), *Sexual Violence Survey* (2023)
- Government of Ireland, *Zero Tolerance – Third National Strategy on Domestic, Sexual and Gender-Based Violence* (2022-2026)
- Higher Education Authority (HEA), *Ending Sexual Violence and Harassment in Higher Education Institutions: Implementation Plan* (2022-2024)
- Technological Higher Education Association, *Promoting Consent and Preventing Sexual Violence (PROPEL)* (2021)
- Department of Education, *Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions* (2019)
- Irish University Association, *Guidance for Universities on How to Respond to Alleged Staff or Student or University Related Sexual Misconduct* (2020)
- DiSantis and Towl (2020), *Addressing Student Sexual Violence in Higher Education*. 1st edn. Leeds: Emerald House Publishing.

- Irish Human Rights and Equality Commission – Code of Practice on Sexual Harassment and Harassment at Work and S.I. No. 106/2022
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011)

4. Procedure

4.1 Responsibilities and Preliminary Information

- 4.1.1 Staff and students have a responsibility to treat all members of the community with equal dignity and respect. All students have a responsibility to be aware of, and to comply with, the Policy on Preventing and Responding to Gender-Based Violence and the ATU Student Code Policy.
- 4.1.2 The University will work to prevent gender-based violence and will act on all written formal complaints of gender-based violence alleged against a student in a timely manner and in line with the University's Policy on Preventing and Responding to Gender-Based Violence and/or any other applicable University policy.
- 4.1.3 The President, Senior Leadership Team, and all senior managers have a responsibility for promoting a safe, supportive, and respectful culture in the University.
- 4.1.4 The SVPRM has responsibility for implementing the policy across the University. The SVPRM will oversee the management of any formal complaints and investigations to ensure that they are trauma-informed, adhere to procedures, and are free from bias. In the event of an actual or potential conflict of interest, the VP for Students, Teaching and Learning (VPSTL), or their appointed nominee, will assign this responsibility to someone other than the SVPRM.
- 4.1.5 The University will resource the provision of trained Gender-based Violence Support Officers (GBVSOs)/Contact Persons, whose role is to support students and staff who experience gender-based violence, and to inform them of the reporting options open to them and the support services available to them both internally in the University and externally in the community. Student counsellors, student health services, chaplaincy and pastoral care, student services, students' union officers, Heads of Department and EDI staff are available to support students and to signpost them to relevant internal and external services and reporting pathways as appropriate. The University will make specialist training available to all members of staff, with staff in student-facing roles especially encouraged to avail themselves of this training.

4.1.6 For the purposes of this Procedure, relevant officials with key responsibilities are:

- Gender Based Violence Support Officers (GBVSOs)/ Contact Persons
- The ATU Respect Team
- Sexual Violence Prevention and Response Manager (SVPRM)
- VP for Students and Teaching and Learning (VPSTL)
- Student Services
- Human Resource Management (where complainant is a staff member)
- Preliminary Review Panel (PRP)
- Heads of Functions
- Heads of Departments
- Heads of School
- Campus Critical Incident Team.

4.1.7 This procedure is designed to support the complainant to disclose, to the University, any and all incidents of gender-based violence as defined in section 4 of the Policy and to support the complainant in assessing the course of action that is most appropriate for them.

4.1.8 Where a formal complaint is being investigated by An Garda Síochána, while the University can receive a formal complaint under the Policy, the University may need to postpone or suspend its consideration of the formal complaint until any criminal process has been concluded to avoid compromising any criminal investigation or prosecution.

4.1.9 Where a formal complaint is received and it is being investigated by An Garda Síochána the Preliminary Review Panel (PRP) will be convened as normal (see section 4.4.1 and 4.5). However, in the interest of not causing impediment to the criminal investigation, the PRP may decide not to commence an internal investigation or may suspend an ongoing investigation. The PRP may also decide to adjourn and reconvene to decide if an investigation is to be conducted when any criminal investigation is completed.

4.1.10 Whilst the criminal process is ongoing, the PRP may make decisions regarding any necessary precautionary measures (see further 4.2.9 of the Policy). The PRP must consult with the respondent in appropriate circumstances and may inform the complainant prior to any precautionary measure being adopted and prior to the suspension of the University's internal investigation. The ultimate decision on any precautionary measures rests with the PRP.

- 4.1.11 A decision by An Garda Síochána or the Director of Public Prosecutions (DPP) to take no further action in relation to a criminal matter, an acquittal after trial, or other disposal which is not a conviction, does not preclude the University from taking action under this procedure. A different standard of proof applies to criminal cases to the standard that applies to investigations under this procedure.
- 4.1.12 In all cases, the University will advise the complainant that it does not have the legal investigatory powers of An Garda Síochána, and cannot make a determination on criminal guilt. An internal investigation is focused exclusively on whether a breach of the Policy has occurred.
- 4.1.13 Where the respondent(s) is convicted, evidence of a conviction can be used as the basis upon which to establish a breach of disciplinary procedures. Where the victim in a criminal prosecution has not agreed to waive their anonymity but has made a formal complaint to the University, appropriate safeguarding measures will be taken to ensure anonymity is maintained however complainants should be aware before lodging a formal complaint that anonymity cannot be guaranteed because a respondent is entitled to be notified if a formal complaint is made against them.
- 4.1.14 If a member of the University community has obtained a court order against another member of the University community whereby a person is prohibited from taking certain actions or mandated to do certain actions, the University is to take account of any order which is lawfully disclosed to it.

4.2 Support

- 4.2.1 The University is committed to providing support, as appropriate, for those members of its community affected by gender-based violence. The University will signpost and provide information on available support services and resources, internal and external, and will consider necessary precautionary measures as appropriate.
- 4.2.2 Support resources will be available to any member of the University who discloses an incident regardless of their choice to make a formal complaint to the University or the Gardaí. Supports, as appropriate, will remain available irrespective of the outcome of an investigation.

- 4.2.3 The University will endeavour to ensure that the complainant and the respondent(s) each have a Gender-based Violence Support Officer (GBVSO)/Contact Person assigned to them to offer welfare and pastoral support, should they choose to avail of these supports. This support will be separate; one member of staff will not provide support to both parties. Staff in these roles will be trained specifically to support either party during and/or after an investigation.

4.3 Disclosure

- 4.3.1 A disclosure of gender-based violence occurs when an individual informs another person, or a service, about what happened to them. The University recognises the importance of minimising the number of times an incident of gender-based violence needs to be disclosed.

- 4.3.2 There are two types of disclosure: Informal and Formal.

Appendix 1 provides flowcharts setting out the first steps in making a disclosure.

Informal Disclosure:

An informal disclosure is a disclosure made to any member of the University community. An informal disclosure may be made in a variety of ways (e.g., in person, by telephone, or online) and may be received from a variety of sources (i.e., it may not necessarily be brought forward by the person who experienced the incident(s)). There is no onus on any individual to respond to an informal disclosure, unless that disclosure gives rise to a legal mandatory reporting obligation.

If such a mandatory reporting obligation arises, the member of the University community who receives the informal disclosure must inform the Designated Liaison Person or one of the Deputy Designated Liaison Persons as set out in Appendix 1 of the University's *Child Protection Policy*. The University recognises its responsibility to promote and safeguard the welfare of children, young people, and adults at risk.

All members of the University are encouraged to react sympathetically to any disclosure and to signpost the disclosing party to the ATU Respect Team by contacting respect@atu.ie. The University will continue to provide signposting information and training to equip anyone receiving an informal disclosure to respond effectively.

Formal Disclosure:

A formal disclosure is a disclosure made to designated members of University staff otherwise known as Gender-based Violence Support Officers (GBVSOs)/Contact Persons who have been trained to receive, respond, and refer disclosures. Often, a person who has experienced gender-based violence will disclose the experience to a trained member of University staff in order to acquire information and advice on the internal and external supports and services available, and on the reporting options.

Making a formal disclosure of gender-based violence is not the same as making a formal complaint under the Policy. The University will respect, within the parameters of the law, the right of the disclosing party to decide how to take forward a disclosure. The University recognises that the disclosing party may require time and reflection before making a decision.

- 4.3.3 A disclosure may relate to a respondent(s) who is not a member of the University community. Supports can be provided to the disclosing party in this instance. However, a formal complaint will not be available under this Policy as the respondent is not a member of the University community.
- 4.3.4 The disclosing party will be given information and support on the reporting pathways available to them including, but not limited to, making a complaint to An Garda Síochána, making a complaint to the University under its Policy, and on making an anonymised complaint through Speak Out. Information provided will include details of the University's complaints and investigation procedure. The disclosing party will also be provided with information on the requirements and limitations of the internal complaint procedure and any potential implications for potential and/or existing criminal complaints.
- 4.3.5 Speak Out is an online and anonymous reporting tool for higher education institutions in Ireland. Speak Out provides ATU staff and students with a platform through which to voluntarily and anonymously submit incidents of gender-based violence including 'Coercive Control', 'Stalking', 'Assault', 'Sexual Harassment', 'Sexual Assault', and 'Rape', as well as incidents of 'Bullying', 'Cyberbullying', 'Harassment', 'Discrimination' and 'Hate Crime', all of which are defined in the Speak Out statement. Speak Out includes signposting to available supports, both within the University and to outside support agencies. Speak Out assists the University in monitoring data related to

experiences of gender-based violence within the University to identify patterns and better inform policy and procedure.

4.3.6 Following a disclosure, the disclosing party will be provided with information on appropriate specialist supports such as local rape crisis centres, domestic violence services, sexual assault treatments units, and any other relevant services and supports in the community. These are also available in Appendix 2. The disclosing party will be given the option, and support, to do one or more of the following:

- make a formal complaint to the University under the *Policy on Preventing and Responding to Gender-Based Violence*,
- make a formal complaint to An Garda Síochána,
- make no report of the incident,
- make an anonymous report through Speak Out, and/or
- receive advice on the services and supports that are available.

4.3.7 Anyone who discloses that they have been subjected to any form of sexual assault(s) will be signposted, in the first instance, to the local Sexual Assault Treatment Unit (SATU) so that they may access services provided. A referral to SATU can also be made on behalf of the disclosing party with their express consent. The SATU provides medical care and treatment, including forensic examination within the maximum time limit of 7 days after the assault, to those aged fourteen years and above who have, or think they have, experienced rape or sexual assault. In circumstances where a person is not ready to report the rape or sexual assault to An Garda Síochána, the SATU can (if the person is aged eighteen years or above) store evidence in line with SATU guidelines to allow time for reflection on making a formal complaint. If the person is under eighteen years old, the sexual assault(s) will be reported to An Garda Síochána and to Tusla, the Child and Family Agency.

4.3.8. The University reserves the right, and may be under an obligation in exceptional circumstances, to share information with third parties. It may also be necessary in exceptional circumstances to report the matter to An Garda Síochána.

4.3.9 There may also be exceptional circumstances where the University is required to take appropriate action to prevent potential harm to individuals or the University, based

on a risk assessment, which may include acting on information despite or without knowledge of the wishes of the disclosing party concerned.

- 4.3.10 A disclosure becomes a formal complaint if the disclosing party wants action to be taken by the University as part of the disclosure (and the disclosing party becomes the 'Complainant').

4.4 Making a Formal Complaint

- 4.4.1 A formal complaint is the formal sharing of information with the ATU Respect Team by way of a complaint recorded in writing regarding an incident of gender-based violence, alleged to have been carried out by a student of the University. Once a formal complaint is made, the complainant will be invited to attend an initial meeting with the ATU Respect Team online or in person, during which the procedure for investigations will again be explained, the written statement will be confirmed, and a safety and risk assessment will be conducted if deemed necessary. If the complainant is unwilling for the respondent(s) to be informed of the allegations against them, the investigation cannot proceed. If the complainant agrees to proceed, a note of the initial meeting will be sent to the complainant 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. The ATU Respect Team must be satisfied that the complainant is aware of supports available as outlined at 4.3.6 above and that the respondent will be informed further to 4.6.1 below.
- 4.4.2 Following receipt of a confirmed formal complaint to the University, the SVPRM will request the VPSTL to establish a Preliminary Review Panel (PRP) as soon as is practicable. The PRP shall decide whether this procedure or another procedure is to be followed, whether an investigation should be commenced, and whether precautionary measures should be put in place. A safety and risk assessment will be carried out by the ATU Respect Team, with advice from the SVPRM and, where precautionary measures are considered necessary, they are to be recommended to the PRP by the ATU Respect Team. Where it is considered necessary to implement immediate precautionary measures to ensure the safety of the complainant and the University community, both the respondent and complainant may be informed of measures as soon as practicable. The PRP must consult with the respondent on

precautionary measures in appropriate circumstances and will inform the complainant where appropriate prior to any precautionary measure being adopted.

4.4.3 The ultimate decision on any precautionary measures rests with the PRP. Pending the meeting of the PRP, the relevant Head of School, Head of Department, or Head of Division shall take such steps as may be necessary to:

- ensure that the students involved receive appropriate academic and pastoral support;
- ensure that any staff involved receive appropriate support;
- safeguard the health, safety, and welfare of members of the University community including through precautionary measures, if necessary; and
- ensure that confidentiality is maintained as appropriate.

The decision to launch a formal investigation following a formal complaint can only be made at the PRP meeting (see 4.5 below), and staff must not otherwise attempt to investigate the incident or inform the respondent(s) or any other student or staff (other than the SVPRM) of the disclosure or formal complaint.

4.4.4 The SVPRM will oversee formal complaints. The SVPRM will ensure that all parties have copies of the policy and any other relevant information and make a record of steps which have been taken in the process, e.g., records of meetings and actions agreed. The complainant will receive a written acknowledgement from the SVPRM as soon as possible following submission of the statement of allegation(s). The acknowledgment letter should also advise the complainant of possible sources of advice and support, including independent legal advice, and should indicate the assistance which may be provided by Student Services in the case of a student complainant or by the Human Resources (Grievance and Employee Relations) in the case of a staff complainant and the assistance which may be provided by designated staff who are adequately trained. The respondent will be notified in writing of the allegation made against them. The respondent will be given a copy of the formal complaint with the complainant's name (all other personal details of the complainant are redacted as necessary for example email/address, etc.) and advised that they shall be afforded a fair opportunity to respond to the allegation(s).

4.4.5 The decision of the complainant regarding whether to report to An Garda Síochána (if applicable) will be respected within the constraints of the law¹. The complainant will be asked to indicate whether a report has been, or is likely to be made, to An Garda Síochána. The potential consequences of a prior investigation being undertaken by the University in the event that the complainant changes their mind and decides to make a report to An Garda Síochána should be brought to the attention of the complainant. Where the complainant has also made a report to An Garda Síochána, it will be necessary for the University to liaise with members of An Garda Síochána so that the two investigations are co-ordinated in a fair and appropriate way. It may be necessary, for instance, for the University to suspend its own investigation for a time. If this happens, the University will take any necessary precautionary measures in the interim to protect all parties taking into consideration what is necessary to ensure that a full and proper investigation may be conducted at a later date and to protect the complainant or others while the allegation(s) are being dealt with by An Garda Síochána.

4.5 Responding to a Formal Complaint

4.5.1. The purpose of a PRP is to decide whether the formal complaint falls within the scope of the policy and, if so, whether to launch a formal investigation. Where appropriate, the PRP will consider how best to assist in protecting the wider University community, who may be affected by the formal complaint, including through the putting in place of necessary precautionary measures as recommended by the ATU Respect Team. The formal complaint will not be investigated by the PRP.

4.5.2. The composition of the PRP will differ depending on the parties involved in a formal complaint, the different compositions are set out at 6.8 of the Policy.

¹ If the victim is a young person under 18 or a vulnerable person of any age, it may be necessary to make a report to the Gardaí if that person either lacks the capacity to make the decision whether to report themselves, or there is doubt about that capacity, and in either case, there is no reasonable excuse to withhold information which might be “of material assistance” to the Gardaí, from them. See Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, accessible in consolidated form via this weblink: [Revised Acts \(lawreform.ie\)](http://lawreform.ie). Note also that these reporting obligations apply only to a limited range of offences listed in Schedules 1 (children) and 2 (vulnerable persons) to the Act. These offences include most serious sexual offences and some serious non-fatal (and fatal) offences against the person, but not harassment or stalking.

- 4.5.3 Where the complainant is a child (i.e., is under the age of 18 years) or a vulnerable person (as defined in the relevant legislation), the matter will be referred for consideration under the University's *Procedure for Responding to and Reporting Child Protection Concerns* and/or associated procedures as applicable.
- 4.5.4 The SVPRM will be responsible for ensuring that any decisions or recommendations made by the PRP are recorded. The risk assessment and any precautionary measures that are put in place will be reviewed regularly by the ATU Respect Team in consultation with the SVPRM and amended as appropriate.
- 4.5.5 The PRP will, in every case, consider whether a criminal investigation has commenced or is ongoing. In either case, the investigation process may be suspended until advice has been sought and obtained from An Garda Síochána.
- 4.5.6 If the complainant needs time to consider whether to make a complaint to An Garda Síochána, the University investigation will be paused in order to enable the complainant to do so. Actions arising out of the PRP may include, but are not limited to:
- a decision that the alleged incident be investigated under this Procedure,
 - supports to be provided, where possible, to one or all parties involved (supports may relate to any academic matter and, for example, matters related to health and wellbeing),
 - that the complainant(s) and respondent(s) are not to make contact with each other during the course of the investigation,
 - suspension to be imposed on the respondent(s) under *AQAE007 Procedure for Dealing with Allegations of Non-Academic Breaches of the Student Code (Disciplinary Procedure)* pending the outcome of criminal investigations/proceedings and/or internal investigations/disciplinary proceedings – suspension of a student requires approval by the Registrar and Chief Academic Officer following recommendation by the relevant committee, and expulsion of a student requires approval by the President,
 - an investigation into an alleged incident(s) that has already commenced be suspended or terminated;

- either one or two trauma-informed, trained investigator(s) be assigned to investigate the case based on the complexity of the case and the level of risk involved.

4.6 Investigation of a Formal Complaint

- 4.6.1. Where the PRP finds that a formal complaint should be investigated under this procedure the SVPRM will inform both the complainant and the respondent by letter and provide a copy of the formal complaint with the complainant's contact details redacted to the respondent, as well as provide both parties with a copy of the policy and a copy of this procedure. That letter will set out the proposed timeline for the investigation and the rights of both parties, including rights of appeal and possible consequences if the investigator(s) finds that there is a case to be answered after the investigation process. It should also set out the rights of the parties to support and advice, their right not to be victimised or penalised for making a formal complaint, their right to be given copies of relevant documents and to comment on any allegations made. The letter will also set out the importance of confidentiality being maintained throughout the investigation as per section 4.8. The letter will also explain that the investigators are independent and that, if there is an appeal, it will be to someone else with no connection to the original investigation. The respondent should be requested to return a written response to the allegations within 10 working days. Both the complainant and respondent should be given a notice setting out the various possible outcomes of the investigation (see 4.6.11).
- 4.6.2 The investigation will be conducted by either a designated member or members of management or, if deemed appropriate, a third party. Investigations may be conducted in person or online at the discretion of the investigator(s). The University will ensure that investigators are appropriately qualified to investigate alleged breaches of the policy. The investigator may consult or seek specialist advice as required while maintaining confidentiality. The investigation should be conducted thoroughly, objectively, with sensitivity, with utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s) and be trauma informed. The purpose of the investigation is to determine whether, on the balance of probabilities, a breach of the University's *Preventing and Responding to*

Gender-Based Violence Policy may have occurred. It is understood that there may be a contractual arrangement in place between Higher Education Authorities including ATU and third-party contractors who conduct investigations in relation to GBV, and whilst ATU may be a party to that agreement, ATU reserves the right to appoint an investigator outside of that agreement in appropriate circumstances.

- 4.6.3 The complainant and respondent will be informed by the SVPRM by letter that:
- a formal investigation has been initiated;
 - what the formal procedure entails and the relevant timeframe;
 - that a written record will be kept of all meetings and inquiries;
 - that the investigators, having considered all of the evidence before them and the representations made to them, will produce a written report to both parties outlining their findings and the reasons for their findings;
 - the various possible outcomes of the investigation as per 4.6.1 above; and
 - that a right of appeal exists for both parties and the time limits and procedures involved.
- 4.6.4 The complainant may wish to withdraw their formal complaint at any stage during the process. In that instance, the University reserves the right, in appropriate circumstances, to continue the investigation under this procedure.
- 4.6.5 The University will provide appropriate and necessary reasonable accommodations during an investigation process to ensure the process is accessible for all parties. This may require the University to disclose necessary details to the investigators. A translator will be provided where required.
- 4.6.6 The investigator(s) are responsible for the management of the overall investigation process, including administration, data management, and consultation with all parties. The order of investigation meetings is at the discretion of the investigator(s). The anticipated procedure is set out in Appendix 3 however, it is ultimately a matter for the investigator in communication with the University, where appropriate, as to how the investigation runs.
- 4.6.7 The complainant, if a member of staff, has the right to be accompanied by a work colleague or trade union representative, provided that the individual concerned is not an actual or potential witness in these or any related proceedings. If the complainant

wishes to be accompanied by another person of their choice, it will be for the investigator(s) conducting the interview to decide whether it is appropriate and in the complainant's interest, to allow that person to accompany them.

- 4.6.8 If the complainant is a student, they may be accompanied by a member of the University community such as a member of staff, Students' Union representative or a fellow student, provided that the individual concerned is not an actual or potential witness in these or any related proceedings. If the complainant wishes to be accompanied by another person of their choice, it will be for the investigator(s) conducting the interview to decide whether it is appropriate and in the complainant's interest, to allow that person to accompany them.
- 4.6.9 In general, it is not recommended that either complainant or respondent should be accompanied by a family member or friend as this may not be in their best interests.
- 4.6.10 The complainant may be accompanied by a person of their choice who is a professional advocacy and support worker with a specialist support service such as a Rape Crisis Centre or domestic violence support service, subject only to the views of the investigator(s), whose decision is final. The role of the support worker is to provide emotional and administrative support to the student. They may offer reassurance to the student and take notes on the students behalf during any meeting or hearing. The support person does not actively participate in the meeting or hearing and cannot speak or advocate on behalf of the student. The support person must maintain the confidentiality of all information shared during the meeting or hearing.
- 4.6.11 The investigator(s) will consider all material and evidence before them. The investigator(s) will prepare a report of the investigation setting out the factual determination(s) and that:
- i. There is a case to be answered - if a breach of the *Preventing and Responding to Gender-Based Violence Policy* is found, the possibility of a disciplinary hearing under the *AQAE007 Procedure for Dealing with Allegations of Non-Academic Breaches of the Student Code (Disciplinary Procedure)*; or
 - ii. There is no case to answer – No Further Action (NFA); or
 - iii. Investigation Inconclusive – No Further Action (NFA).

4.6.12 The investigator(s) will provide an investigation report to the SVPRM explaining their written decision, summarising their findings and the considerations which led them to reach their decision.

4.6.13 The complainant and the respondent will receive the outcome of the investigation in writing from the SVPRM in an outcome report.

4.6.14 Where there is a finding that there is a case to be answered the SVPRM will refer the matter to the VP for Students, Teaching and Learning (VPSTL) who will decide on whether the disciplinary procedure should be invoked by requesting the Chair of the relevant Faculty Disciplinary Panel to convene a Student Disciplinary Committee to deal with the allegations at Stage 2 of the disciplinary procedure. The VPSTL will, as appropriate, communicate this decision to the respondent. The investigation report may be relied upon during a subsequent disciplinary procedure.

Where the investigator(s) finds that the matters complained of have not occurred or that there was insufficient evidence then the investigator will note this in the report.

4.6.15 Where the investigator(s) makes a finding that the formal complaint is malicious or vexatious, the complainant may be subject to the applicable disciplinary procedures. The University recognises that such a finding would generally arise in exceptional circumstances and complainants are supported to come forward with their complaints.

4.7 Appeals Process

4.7.1 An Appeal Panel consisting of at least two independent professionals from outside the University should be appointed to deal with any appeal. A request for an appeal can be made on the following grounds only and should include supporting evidence where appropriate:

- Evidence that the investigator(s) did not follow this procedure in investigating the formal complaint; and/or
- No sustainable basis for the findings.

4.7.2 Any appeal must be sent to the SVPRM by way of a letter setting out the basis for the appeal including any supporting documentation, no later than 10 working days after the Investigation Report was sent to the complainant and the respondent.

4.7.3 The PRP will then appoint a Review Panel with no connection to the original investigation to conduct the appeal.

4.7.4 See standard Terms of Reference included in Appendix 4 [adapted from Tusla's Child Abuse Substantiation Procedure (CASPs)]² which outlines the process for the Appeal Panel.

4.8 Confidentiality

4.8.1 Throughout this procedure the University's priority will be the interests of all parties involved with regard to safety, welfare, fairness, dignity, confidentiality and privacy, and due process. The University acknowledges the particularly sensitive nature of information relating to gender-based violence and will ensure, within the parameters of the law, that confidentiality is observed throughout the disclosure, complaint, and investigative processes. Information will, save in exceptional circumstances, only be shared with relevant persons and/or organisations (internal, e.g., student counselling, or external to the University, e.g., rape crisis centre) with the express consent of the complainant.

4.8.2 Confidentiality will always be respected; however, complainants should be aware before lodging a formal complaint that anonymity cannot be guaranteed because a respondent is entitled to be notified if a formal complaint is made against them.

4.8.3 In certain circumstances, an individual's right to confidentiality may be lawfully restricted, such as, where the individual is at risk of harm to themselves or others, where there is a risk to a child and/or vulnerable adult, and where necessary to comply with an order of the court.

4.8.4 Parties involved may seek confidential support services or professional advice.

4.9 Recourse to the Office of the Ombudsman

If either party feels that they have been unfairly treated or are not satisfied with the decision/ outcome, it is open to them to contact the Office of the Ombudsman. By law, the Ombudsman can investigate complaints about any of the administrative actions or procedures of the university, as well as delays or inactions in the person's dealings with the

² Accessible online at: [Child Abuse Substantiation Procedure \(CASPs\).pdf \(tusla.ie\)](https://tusla.ie/Child-Abuse-Substantiation-Procedure-CASP.pdf) (Chapter 24)

university. The Ombudsman is fair, independent, and free to use. The Ombudsman does not consider matters of academic judgment.

The Ombudsman will ask for details of the complaint and a copy of the Appeal response.

Contact the Ombudsman by:

- Clicking on the 'Make A Complaint' link at www.ombudsman.ie
- Or writing to Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
- Or calling the Ombudsman on 01 639 5600 if the student has any queries or if the
- student needs help making the student complaint.

4.9.1 Ombudsman for Children's Office (OCO)

The OCO investigates complaint about services provided to children by public organisations. The service is free and independent. The Ombudsman for Children's Office is a human rights institution that promotes the rights and welfare of young people under 18 years of age living in Ireland.

Millennium House, 52-56 Great Strand Street, Dublin 1, D01 F5P8, Ireland

Phone: +353 1 865 6800

Email: oco@oco.ie

Homepage: <http://www.oco.ie/>

4.10 Record Keeping and Data Monitoring

4.10.1 The SVPRM will be responsible for ensuring that all records are kept in line with the University's data management and data protection responsibilities including confidentiality, data retention and sharing of data with third parties, for example, An Garda Síochána. Guiding Principles:

- Only relevant and necessary information should be recorded;
- All records must be kept securely and should not be shared with third parties, with a small number of exceptions (statutory obligations, matters of life and death, orders of the court mostly);
- All communications with Investigators are to be done via the SVPRM;
- All records should be checked for accuracy with their source and should be corrected in light of any new information;

- No record should be kept beyond a fixed period after the investigation is completed.

4.10.2 Monitoring disclosures (informal and formal) and formal complaints of gender-based violence is central to the creation of a University environment that is safe, supportive, and respectful. The SVPRM will review formal complaints, including actions and decisions taken, and the outcome of any investigations carried out for the purpose of:

- creating baseline data;
- ensuring the University can provide adequate support and resources to all parties involved in an incident(s) of gender-based violence;
- ensuring the University can identify patterns and trends in order to inform and influence policy and procedure;
- ensuring the University can identify high risk scenarios;
- developing targeted education and awareness-raising campaigns and initiatives;
- ensuring the University is in compliance with reporting obligations.

Each report that involves a student will be anonymised and shared by the SVPRM for the above reporting purposes. The use of data will comply with GDPR, Data Protection Legislation and the University's *Data Protection Policy*.

5. Documents Related to this Procedure

5.1 Policies

- ATU Preventing and Responding to Gender-Based Violence Policy
- AQAE006 Student Code Policy

5.2 Procedures

- Procedure for Reporting and Investigating Alleged Breaches by Staff of the Preventing and Responding to Gender-Based Violence Policy
- AQAE007 Procedure for Dealing with non-academic breaches of the Student Code (Disciplinary Procedure)

6. Measurement of Effectiveness of this Procedure

The University is committed to implementing systems to support students and staff to disclose and report incidents of gender-based violence. The University shall collect data on

the nature and reported incidence of gender-based violence in order for the university to ensure adequate policies and resources are made available to support all members of its community. The SVPRM has a particular role in overseeing the development of these monitoring processes.

The ATU Ending Sexual Violence and Harassment (ESVH) Working Group will receive a report at least annually from the SVPRM and the SVPRM will report progress, at least annually, to the University Planning Team (UPT).

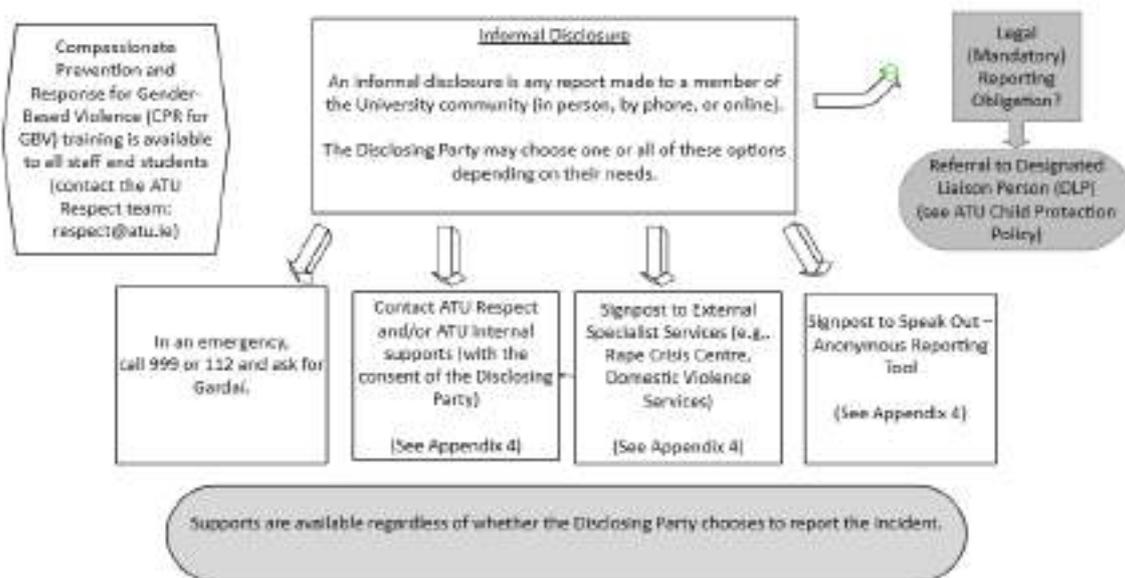
This procedure will be reviewed at least annually to ensure its effectiveness, identify issues, and ensure its compliance with any emerging legislative and policy requirements.

7. Revision History

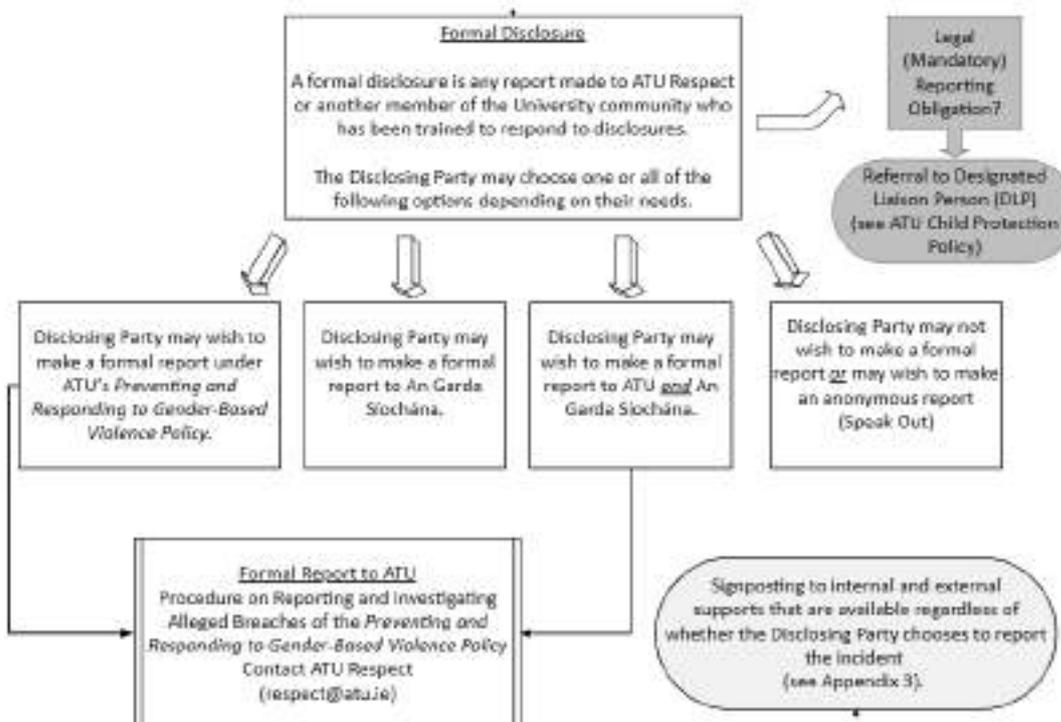
Revision No	Description of Change	Approval Date
001	New Procedure	15 Jan 26

Appendix 1: First Steps in Making a Disclosure

Informal Disclosure Flowchart



Formal Disclosure Flowchart



Appendix 2: Support Services – Quick Guide

This Quick Guide gives contact details for support services available to you at ATU and also regional and national support services.

ATU Support Services

ATU Respect
Working to prevent and respond to gender-based violence  respect@atu.ie  Website: www.atu.ie/student-life/student-support/preventing-gender-based-violence
ATU Student Health Service
Access health services across all ATU campuses  Details: www.atu.ie/student-life/student-support/student-health-service
ATU Student Counselling Service
Professional and confidential counselling support  Details: www.atu.ie/student-life/student-support/student-health-service
ATU Chaplaincy & Pastoral Care
Offering emotional, spiritual, and pastoral support Donegal: PastoralCare.Donegal@atu.ie Galway: PastoralCare.Galway@atu.ie Mayo: PastoralCare.Mayo@atu.ie Sligo: PastoralCare.Sligo@atu.ie
ATU Free Crisis Textline
Immediate support, 24/7.  Text 'ATU' to 50808
ATU Student Unions
Access student supports through your Students' Union:  Details: www.atu.ie/student-life/whats-on-campus/students-union
ATU Speak Out
Report incidents safely and anonymously Donegal: Speak Out Galway & Mayo: Speak Out Sligo: Speak Out

Rape Crisis & Sexual Abuse Support Services (Ireland – West & Dublin)

If you or someone you know needs support, these centres offer free, confidential help. A full listing of all rape crisis centres can be found at: www.rapecrisisireland.ie/.

Dublin Rape Crisis Centre
<p> Website: drcc.ie</p> <p> 24/7 National Helpline: 1800 777</p> <p> Email: counselling@rcc.ie</p>
Donegal Sexual Abuse and Rape Crisis Centre
<p> Website: donegalrapecrisis.ie</p> <p> Helpline: 1800 448 844</p> <p> Email: info@donegalrapecrisis.ie</p>
Galway Rape Crisis Centre
<p> Website: galwayrcc.org</p> <p> Helpline: 1800 355 355</p> <p> Email: adminrcc@gmail.com</p>
Mayo Rape Crisis Centre
<p> Website: mrcc.ie</p> <p> Helpline: 1800 234 900</p> <p> Email: info@mrcc.ie</p>
Rape Crisis & Sexual Abuse Counselling Centre – Sligo, Leitrim & West Cavan
<p> Website: srcc.ie</p> <p> Helpline: 1800 750 780</p> <p> Email: info@srcc.ie</p>

Domestic Violence Support Services (Ireland)

The following are some of the services available both locally and nationally:

COPE Galway – Domestic Abuse Service
<p> Website: copegalway.ie/domestic-abuse-service</p> <p> Helpline: 091 565 985</p> <p> Email: modheile@copegalway.ie</p>

Domestic Violence Advocacy Service (Sligo, Leitrim & West Cavan)
 Website: www.domesticviolence.ie
 Helpline: 071 914 1515
 Email: support@dvas.ie
Donegal Domestic Violence Services
 Website: www.donegaldomesticviolenceservices.ie
 Helpline: 1800 262 677
 Email: refuge@ddvs1.com
Domestic Violence Response (Galway)
 Website: domesticviolenceresponse.com
 Helpline: 091 886 740
 Email: info@domesticviolenceresponse.com
Donegal Women's Centre
 Website: donegalwomenscentre.ie
 Helpline: 074 912 4985
 Email: donegalwomenscentre@gmail.com
LGBT Ireland
 Website: lgbt.ie
 Phone: 01 685 9280
 Email: info@lgbt.ie
Lifeline (Inishowen) Domestic Violence Service
 Website: www.ldvs.org
 Helpline: 074 93 73232
 Email: support@ldvs.org
Mayo Women Support Services
 Website: mwss.ie
 Helpline: 094 902 5409
 Text Support: 087 656 9672
 Email: administrator@mwss.ie

Men's Aid (National Service)
 Website: mensaid.ie  Helpline: 01 554 3811  Email: hello@mensaid.ie
Safe Ireland (National Service)
 Website: safeireland.ie  Phone: 01 578 3001  Email: info@safeireland.ie
Women's Aid (National Service)
 Website: womensaid.ie  24/7 Helpline: 1800 341 900  Email: info@womensaid.ie helpline@womensaid.ie

Sexual Assault Treatment Units (SATUs)

A full list of SATUs is available at: www2.hse.ie/services/satu/

Donegal SATU
 Address: Justice Walsh Road, Letterkenny, Co. Donegal  24/7 Phone: 087 06 81 964
Galway SATU
 Address: Galway SATU, The Willow Centre, Faustina House, IDA Small Business Centre, Tuam Road, Galway  Weekdays (8am–4pm): <ul style="list-style-type: none"> • 091 76 57 51 • 087 63 38 118  After 4pm & Weekends: <ul style="list-style-type: none"> • 091 75 76 31 • 091 524 222



An Garda Síochána

In an emergency, call

999 or 112

and ask for Gardaí (police)

Call or visit your local
Garda station

[https://www.garda.ie/en/contact-us/
station-directory/](https://www.garda.ie/en/contact-us/station-directory/)

Call the Garda Confidential Line:

1800 666 111

Appendix 3: Investigation Procedure

Investigation Procedure that may be followed by investigator in sequence, however it is ultimately a matter for the investigator to determine how to run the investigation.

The investigation will be comprised of a series of formal meetings, as follows:

- The first interview will be held between the Investigator and the Complainant. It may be held in person or via a secure online platform such as Teams.
- There may be a second or subsequent interview with the Complainant, if the case is particularly complex or emotionally challenging.
- Witnesses may be proposed by the Complainant. Witnesses will be required to keep the details of the investigation confidential. Witnesses will be required to submit a brief summary for the investigators outlining the evidence which they could give and

may be asked to attend an investigation meeting at the discretion of the investigator(s).

- Witnesses may be proposed by the respondent. Witnesses will be required to keep the details of the investigation confidential. Witnesses will be required to submit a brief summary for the investigators outlining the evidence which they could give and may be asked to attend an investigation meeting at the discretion of the investigator(s).
- Once these interviews are all concluded, the Investigators should then gather any other evidence which is in the possession or control of the University, or which is made available to them by the Complainant. All this material, redacted to exclude any personal identifying information beyond the name of the witness (email, phone number, physical address, course attended), is then shared with the respondent.
- The Investigators will hold a formal interview with the respondent at which they should be invited to respond to the allegations in the Complainant's statement and in their interview record. This interview also may be held either in person or remotely, in which case it must be held over a secure online platform such as Teams, and in either case the whole interview should be recorded electronically and the meeting minutes transcribed verbatim. As with the interviews with all other witnesses, this interview record must be preserved securely until the determination of this investigation, any appeal or review, and any subsequent internal disciplinary proceedings within the University.

Should the Respondent wish to put any questions to the Complainant or other witness, the Investigators may make arrangements for this to be done through one of the following methods, having consulted with the Complainant as to his or her preference in this regard:

- The respondent may have their questions put to the Complainant in writing (via the Investigators) who will be given an opportunity to reply;
- The respondent may have their questions put to the Complainant through one of the Investigators, who will record the answers and share them with the respondent;
- The respondent may have their questions put directly (in interview which is recorded online) to the Complainant through their own Trade Union rep³;
- The respondent may put his questions directly to the Complainant themselves. This should not be allowed unless it is with the express and informed consent of the Complainant.

³ In exceptional circumstances which are not likely to apply at this stage, a person may be allowed legal representation [*McKelvey vs Irish Rail*]

Once all the evidence has been gathered, the Investigators should consider it carefully and decide whether, on the balance of probabilities, a breach of the *Policy on Preventing and Responding to Gender-Based Violence* has occurred. They should provide reasons for their conclusions and summarise their investigation in an Investigation Report which they will forward in draft to the Respondent for their comments.

The Investigation Report should then be sent to the SVPRM.

Appendix 4 – Terms of Reference for the Appeal Panel

1. Carry out the appeal review in accordance with this procedure
2. Examine the professional decision making leading to the final conclusion of the Final Investigation Report to establish if there was a sustainable basis for the final conclusion (meaning that it was not clearly in error).
3. Examine if the person appealing was afforded adequate fair procedures at every stage of the investigative process.
4. Reach one of the following conclusions in relation to the investigation process:
 - i. To uphold the final conclusion of final investigation report, or
 - ii. To set aside the final conclusion of the final investigation report and to send the matter back to a fresh team of Investigators to undertake a new assessment if appropriate.
 - iii. To prepare a report in relation to the professional decision-making and or fair procedure issues raised in accordance with the whole investigative process including the final investigation report and to provide the report to the SVPRM, and to the person appealing.
5. To ensure that the time limits advised to the person appealing at the start of the Appeal process are complied with and that the review is completed as soon as is practicable consistent with conducting the review thoroughly; and
6. To inform the person appealing of the outcome of the Appeal Process by letter as soon as possible.