

**REPORTING ASSAULT, ABUSE & HARASSMENT**

**ADVICE AND INFORMATION FOR STUDENTS**

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## **1. Introduction**

This document aims to provide advice on what you can do if you wish to report assault, abuse and/or harassment and outlines how your report will be handled.

We note that assault, abuse and harassment can take many forms and when we reference assault, abuse and harassment in this document we include sexual assault/abuse/harassment and gender based violence within this general reference.

## **2. How and to whom incidents can be reported**

If you have been the subject of any form of physical or threatening verbal abuse and/or harassment by another individual we recommend you consider the following: -

- i. Are you and anyone else impacted safe? If you believe you or anyone else is in immediate danger then you should consider contacting Police Scotland and/or (if you are on one of our properties) our security team.

Police Scotland can be contacted by dialling 999 in an emergency or 101 otherwise.

Our security team can be contacted on 0131 455 6119 or by dialling 4444 from any on-campus telephone.

Security have a presence near the iPoints on all of our campuses.

- ii. If there is no immediate safety threat to you or anyone else then you may wish to consider making a report. You can make a report to any member of staff but the following are suggested as options to consider:

- Any member of staff you feel comfortable talking to such as your Personal Development Tutor or Programme Leader.
- A member of the University's [Wellbeing team](#) via [Report and Support](#). There are two types of reports that can be made through Report and Support; anonymous reporting and reporting to an adviser.
- The Complaints team ([complaints@napier.ac.uk](mailto:complaints@napier.ac.uk) or tel 0131 455 2396).
- Inform Police Scotland by dialling 101.

However the initial report comes in, as soon as possible, it should be reported to the Complaints team. This can be done directly by you as a student or by the member of staff you have chosen to report to; if you ask them they will do this on your behalf. Please note that this will not be the case for anonymous reports. These will not be investigated but the information provided will be used for general intelligence gathering purposes.

The Complaints team will then inform the appropriate Dean of School/Director of Service.

The reporting of an incident against an Edinburgh Napier University **student** will be considered in accordance with the [Student Conduct Regulations](#).

The reporting of an incident against a **member of Edinburgh Napier University staff** will be considered in accordance with the appropriate Human Resources procedure.

Where the complaint concerns an individual who is **not** a member of Edinburgh Napier University staff or a matriculated Edinburgh Napier University student (e.g. a contractor carrying out work on behalf of the University), such situations will be dealt with on a case by case basis. If the individual concerned is a contractor, the individual's employer will be consulted.

*Please note with regard to reports of serious misconduct, for example those that may also constitute a criminal offence, we may advise that Police Scotland are contacted. We will discuss this with the person making the report but on occasion we may make a report to Police Scotland without their consent. We will do this in cases where we believe there to be potential threat to the wellbeing and safety of the University Community. If we do this, we will advise the person making the report and advise of our rationale for informing Police Scotland.*

### **3. Initial action after incidents of assault, abuse and/or harassment are reported**

When we receive a report of assault, abuse or harassment our initial primary concern is for the wellbeing and safety of those impacted.

We will ensure that appropriate support and advice is provided as soon as is possible. We recognise that in many situations where assault, abuse or harassment is reported, the early stages are crucial and we will ensure that our specially trained staff offer a full overview of the options available to the person making the report.

We have an internal risk assessment framework which senior staff will follow and use to inform decisions on how we deal with issues regarding reporting and supporting around assault, abuse or harassment reports.

We have a range of internal [support services](#), as well as links to specialist external providers, that we will signpost to any student who makes a report to us. We are able to provide support for as long as it is required whether through our own internal services or through referral to externally managed support.

### **4. Procedures available for considering reports of assault, abuse and harassment**

#### **Where a serious incident reported concerns a student:-**

*The Dean of School should consult with the Principal or their nominee with regard to invoking section SC3.8 of the [Student Conduct Regulations](#) thus allowing for the consideration of the partial exclusion of the reported student to be put in place as soon as is possible.*

**Where an incident reported concerns a member of staff:-**

*Human Resources and the appropriate senior manager(s) will make a decision on whether the member of staff subject to the complaint should be suspended with immediate effect in line with the appropriate Human Resources procedure.*

**Where an incident reported concerns someone other than a staff member or student:-**

*The Dean of School/Director of Service concerned will liaise with a member of the University Leadership Team to discuss the appropriate form of action to take.*

In all cases, a decision on whether an internal investigation can commence will be taken dependent on Police Scotland involvement. If the matter has been or is likely to be reported to Police Scotland then it is likely that no internal investigation will take place until the criminal process has concluded. In such cases, the only action the university is likely to take is the partial exclusion of a student or suspension of a member of staff.

In situations where Police Scotland have been contacted, we may take their advice before taking final decisions on the partial exclusion of a student or the suspension of a member of staff. We will make and implement such decisions as quickly as we can though consultation with external organisations such as Police Scotland, this may mean that, on occasion, we cannot take immediate action with regard to exclusions and suspensions.

There is further information on the impact of making a report to Police Scotland in [section 6](#) of this document.

## **5. Internal Investigation**

An internal investigation into a reported incident will be undertaken if either of the following applies: -

- The person reporting the incident has confirmed that they do not wish to report it to Police Scotland and the university has decided that, based on what has been reported, there are not sufficient wellbeing and safety concerns to make a report to Police Scotland.
- The university have it confirmed by an official source (e.g. Police Scotland, the Courts or a legal professional) that the criminal process has concluded.

As noted in section 4, where a student is subject to a report any internal investigation will run in line with the [Student Conduct Regulations](#). If a member of staff is the subject of a report, the appropriate Human Resources procedure will be used.

Reports against someone who is not a staff member or a student will be considered by senior management and if the individual reported is working for a company undertaking work for the university or involved in partnership with the university then

discussions will take place with their organisation. The university is only empowered to directly investigate our own students and employees.

Should an investigation into the conduct of a student or staff member take place, we will fully advise those concerned on the procedure as it progresses. We will offer support to all those involved and this can include procedural advice, accompaniment to meetings/interviews and wellbeing support. Please see [section 7](#) for details on support available.

In order for us to conduct a fair and transparent investigation, we will seek to take statements from those reporting, those reported and any witnesses. The reported individual will get to see any reports made against them so that they can respond though some information may be withheld or redacted where there is a concern for safety and wellbeing or a personal data issue in line with data protection legislation.

There will be no expectation for the reporting person to face the person they have reported and all interviews and meetings will be conducted separately and sensitively.

Our procedures can result in those reported facing penalties ranging from warnings to permanent exclusion (students) and dismissal (staff).

We can only investigate our students and staff for issues which contravene our respective student conduct and staff disciplinary regulations. We will not investigate using criminal terms and will instead use the term misconduct.

Outcomes will be determined on the basis of balance of probability. This means that, at the conclusion of our procedures, we will determine what we believe is the most probable account of what happened, based on the evidence and the information provided. There may be occasions where we cannot make such a determination for example if the evidence and information provided are contradictory.

## **6. The involvement of Police Scotland**

While we will always consider the wishes of those reporting to us, there are situations where we will decide it is necessary for us to contact Police Scotland even if this is against the wishes of the person making the report. This may include sharing the name and contact details of the person who made the report with Police Scotland. If we decide that this is action we will take, we will discuss this with the person making the report but the final decision on whether to report to Police Scotland will be ours. We will do this in cases where, based on what has been reported to us, we believe there to be potential threat to the wellbeing and safety of any member of the University Community. If we do this, we will advise the person making the report and advise of our rationale for informing Police Scotland.

We cannot control Police Scotland investigations but we will ask that they keep us updated and in turn we will update any individual concerned as and when we are able to do so. Police Scotland will update those concerned on their own investigation and have mechanisms in place to support those who have reported crimes to them whether this has been directly or through intervention from the university.

It should be noted that if a direct or indirect report to Police Scotland is made, they may contact the individuals concerned via telephone, email or by attending their home address. In some cases, particularly those where a recent physical (sexual or non-sexual) assault has been reported, initial contact from Police Scotland may follow very soon after a report has been made to them as the immediate aftermath of a physical assault can prove to be crucial in terms of ensuring wellbeing and gathering evidence.

The university is not likely to undertake an internal investigation until we have it confirmed to us by an official source (e.g. Police Scotland, the Courts or a legal professional) that the criminal process has concluded.

It should be noted that, dependent on a number of factors, it may take several months (possibly longer) from when a report is first made to Police Scotland to the point at which the criminal process concludes. We will provide full support to all those impacted throughout this period and will discuss options, such as [suspension of studies](#), with those impacted.

While we will make decisions on a case by case basis, if the criminal process against one of our students or members of staff concludes without a conviction then we may undertake an internal investigation noting that there is no requirement for our investigation to draw the same conclusion as any criminal case.

If a criminal case concludes with a conviction against one of our students or members of staff then we will make a decision on what the outcome means for the individual concerned in line with the relevant internal procedure, noting that penalties available range from warnings to permanent exclusion (students) and dismissal (staff).

## **7. Contact between reporting and reported individuals**

We are restricted on what we can advise individuals about any student or staff member who faces or has faced internal disciplinary or criminal action due to our confidentiality obligations. Nonetheless, we will always advise those impacted on whether they should expect see the person on campus or not and advise on what they should do if they do come into contact with them. We will take steps to ensure all parties are aware of what is expected of them regarding conduct whilst any investigation is ongoing. We will advise as soon as we become aware of any developments that cause a change to any measures we have put in place.

Generally we would expect there to be no contact of any form whatsoever between parties concerned and certainly no contact referencing the matter subject to investigation.

We will ask that all those involved report any contact from any other individual involved or someone suspected to be, another individual or someone associated to them to the Complaints team ([complaints@napier.ac.uk](mailto:complaints@napier.ac.uk)) as soon as is possible.

Anyone found to have made inappropriate contact with another individual whilst an investigation is ongoing may find themselves subject to a separate misconduct investigation.

## **8. Support for students making reports**

However a report is handled, we will support students from the point at which they make the report to us to the point at which they leave the university or decide they no longer require support.

Details of the support available to students from the Wellbeing and Inclusion team can be found at the link below: -

[My Napier - Edinburgh Napier University](#)

Any member of staff can refer a student to our support services though the following are examples of staff who are likely to be most experienced in doing this and students may wish to approach them directly if they do not feel comfortable contacting the Wellbeing and Inclusion team directly: -

- Personal Development Tutors (PDTs)
- Programme Leaders
- The Complaints team
- Safeguarding and Equalities Manager
- Security staff
- iPoint staff

We work with students to ensure they get the right support at the right times both from services internal to the university and those provided by specialist external organisations and those organisations who can offer “out of hours” (support available out with Monday – Friday 9am – 5pm) services.

Once an incident has been reported and an investigation is underway, we will provide advice on processes available to assist wellbeing and academic progress including discussions on suspending studies.

We will answer questions about the case reported though it is noted that the involvement of external organisations such as Police Scotland and courts may restrict our ability to answer all questions as will our confidentiality obligations in line with data protection legislation. We encourage students to ask questions about anything concerning them however and if we can answer then we will and if we cannot, we will detail the rationale for us being unable to.

Upon request we can contact colleagues, who would not ordinarily require to be aware of the situation as part of their role, whom students would like to be aware of the situation they are facing and advise them of what has happened. To do this, we need the consent of the reporting student and we need to be clear on who they would like us to talk to and what they would like us to disclose.

We are available to provide support at any time via email, telephone or in person and will be led by the reporting student with regard to the type of communication they would prefer.

### **9. Disclosure of investigation outcomes**

Careful consideration will be given to informing students, who have reported a matter which has been investigated, detail of the final outcome. Our duty of care to all parties will be taken into account as it is determined who we advise of an outcome and how much detail we disclose to them.

In order to determine the level of detail we share and who we share it with, we will consider the wellbeing needs of those impacted and the wider University Community. Criteria that informs decisions on information sharing regarding outcomes will include an assessment of the extent to which individual(s) have been/will be impacted, the number of individuals involved and how likely the conditions of the outcome are to impact them and the wider University Community.



## **10. List of Useful Contacts: -**

**To report an incident of assault, abuse or harassment:**

Use [Report and Support](#), email [complaints@napier.ac.uk](mailto:complaints@napier.ac.uk) or telephone 0131 455 2396

**Security (for emergencies on university premises):**

Tel: 0131 455 6119

e-mail: [SecurityControl@napier.ac.uk](mailto:SecurityControl@napier.ac.uk)

**Police Scotland (for on or off campus emergencies)**

Tel: 999 in an emergency or 101 otherwise

**Accommodation Services (for anything occurring at or related to the University's student residences):**

Tel: 0131 455 3713

e-mail: [accommodation@napier.ac.uk](mailto:accommodation@napier.ac.uk)

**Advice on Student Conduct Regulations:**

Tel: 0131 455 2396

e-mail: [complaints@napier.ac.uk](mailto:complaints@napier.ac.uk)

**Wellbeing Support**

See - <https://my.napier.ac.uk/wellbeing-support-and-inclusion>

**Independent advice and support for students:**

[ENSA Advice](#)

Tel: 0131 229 8791

e-mail: [ensa.advice@napier.ac.uk](mailto:ensa.advice@napier.ac.uk)

**External Support**

[Bullying & Harassment](#)

[Cyber Bullying](#)

[Sexual Assault](#)

[Stalking](#)

[Stress, Anxiety and Depression](#)

[Relationship Violence \(Domestic Abuse\)](#)