

ASSAULT, ABUSE & HARASSMENT

ADVICE AND INFORMATION FOR REPORTED STUDENTS

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1. Introduction

This document aims to provide advice and information for students who have had an instance of assault, abuse and/or harassment reported against them.

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 when you will be informed of any report made against you

Upon receipt of a report of assault, abuse and/or harassment against one of our students we will establish how the report will be handled in the first instance. If a report is to be investigated it will be investigated via one (or in some cases both) of two processes: -

- i. Internally, in accordance with the [Student Conduct Regulations](#).
- ii. Externally, by Police Scotland.

However the report is investigated we will let you know as soon as we can if a report has been made against you. We will provide you as much detail as we are able to initially including who has made the report and what they are reporting against you.

In all cases, a decision on whether an internal investigation can commence will be taken dependent on police 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 we are likely to take is the partial exclusion of the reported student. There is more detail on partial exclusions in [section 3](#).

If it is determined that the report will be subject to police investigation, we, or indeed Police Scotland, will tell you this as soon as is possible and provide detail on what this may entail.

In the case of any detail communicated to you, our initial contact is likely to come to your university email address.

However reports are investigated, we will provide you detail of where you can find procedural information and access to [support services](#), both those provided by us internally and those offered by specialist external organisations.

3. Potential for partial exclusion

When a student is reported to have committed assault, abuse, harassment or anything else that contravenes our [Student Conduct Regulations](#) or [Student Code of Conduct](#) we may invoke section SC3.8 of the [Student Conduct Regulations](#) thus allowing for the partial exclusion of the reported student to be put in place as soon as is possible.

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

If you are partially excluded as a result of a report made against you, we will tell you the reasons for this exclusion, outline the terms of the exclusion and we will update you as soon as we become aware of anything that changes our position.

Whilst a student is subject to partial exclusion we will make academic, procedural and wellbeing support available. We will keep in regular contact with students who are placed on a partial exclusion.

We will make it clear that any breaches of the terms of the exclusion reported to us and found to be accurate, could see a separate misconduct investigation lead to penalties against the reported student in addition to any they may face for the misconduct originally reported against them.

4. Internal Investigation

An internal investigation into an incident will be undertaken if either of the following 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 for us 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 2](#), where a student is the subject of a report any internal investigation will run in line with the [Student Conduct Regulations](#) starting from section SC4 on page 7.

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.

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

Our procedures can see those reported face penalties ranging from warnings to permanent exclusion.

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.

Details of how we will support students who are reported and subsequently subject to misconduct investigations can be found in [section 6](#).

5. 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. If it appears 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 the University Community. If we do this, we will advise the person making the report and advise of our rationale for informing Police Scotland.

When Police Scotland are involved, we have no control over the investigation 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.

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 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, then the university will make a decision on what the outcome means for the individual concerned in terms of their future at the university, in accordance with the Student Conduct Regulations, noting that penalties available range from warnings to permanent exclusion.

6. Contact between reporting and reported individuals

While we are restricted on the level of detail we can advise to individuals due to our confidentiality obligations, 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 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.

7. Support for students reported

However a report is handled, we will support students from the point at which they are made aware of the report against them 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: -

<http://my.napier.ac.uk/TalkingHelps>

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
- Safeguarding and Equalities Manager
- Complaints team – complaints@napier.ac.uk
- 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 a report has been made 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 the courts may restrict our ability to answer all questions, as will our confidentiality obligations in line with data protection legislation. We do encourage students to ask questions about anything concerning them 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 student concerned and we need them 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 reported student with regard to the type of communication they would prefer, noting that in person meetings may not always be possible in situations where students are excluded from our properties as part of any partial exclusion upon which they are placed.

8. 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.

9. List of useful contacts if you have been the subject of a report -

Advice on Student Conduct Regulations:

Tel: 0131 455 2396

e-mail: 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

External Support

[Bullying & Harassment](#)

[Cyber Bullying](#)

[Stress, Anxiety and Depression](#)