What if I am accused of sexual misconduct?

Being accused of sexual misconduct can be a traumatic experience for anyone. The University’s Duty of Care extends to both alleged victims and alleged perpetrators of sexual misconduct. This document sets out what might happen next and what the University’s role can be. It is important to know that the list of possible actions below is not an exhaustive one.

Your Support

- It can help to speak to a trusted person or confidant, but be aware that anything you say to anyone at this time may be called forward as evidence by the Crown authorities and therefore confidentiality is really only guaranteed with your personal representing lawyer.
- If you wish help in gaining independent legal advice, contact Student Services who can arrange a lawyer for you. Telephone 01382 381900 email enquiry@dundee.ac.uk, or you can speak to a Student Support Advisor in person at the Enquiry Centre, Campus Green, Main Campus.
- You may receive free individual Counselling through Student Services to help deal with feelings related to being accused, decision-making, and concerns about relationships.
- The Dundee University Students' Association Student Advocate can provide free independent advice and support to students whenever they have a problem in the University. Once again, however, you should be aware that with regard to any information which you choose to volunteer, confidentiality cannot be guaranteed as the Crown authorities could require this to be produced at a later date.
- You have the right to be treated with respect and dignity by University staff.

Important Communication

- Do not contact the alleged victim by any means: this might appear retaliatory, even if that is not your intent. In addition, the alleged victim might believe this to be an additional act of harassment, which could give rise to other complaints being raised against you.
- You are discouraged from posting updates or comments relating to the case on social media; your social media history may be investigated and used in the case against you.
- Consider whether there is information to gather that might be helpful. For example, you might gather text messages, emails, Facebook postings, or other social media postings. If you have already deleted text messages, contact your phone carrier to find out if they can be recovered. If you think of possible witnesses, it might be helpful to write down their names so that you do not forget them later, when asked as part of any investigation that may take place.
- If the allegation reaches the Risk Assessment or even the Disciplinary stage note that you will have clear rights to be accompanied to meetings with staff by a member of the University.
Behave recognizably:

- The University may undertake a Conduct Risk Assessment. This is not a disciplinary process, but is intended to use reasonable attempts to ensure the wellbeing of all those involved and also the wider community. The Risk Assessment does not imply any judgement on the accusation levied against you. There are numerous outcomes of this Risk Assessment open to the discretion of the University staff on the panel. These could range from a move in location for teaching and/or living purposes up to and including temporary suspension from the University.

- Depending on the nature of the allegations, the University may also carry out Disciplinary proceedings, but these are separate from the process of ‘Conduct Risk Assessment’ and will usually take place at a separate time. Students should be aware that only another member of the University community and no other person, including legal representatives, may accompany them to disciplinary meetings. If the Police are investigating an incident, then the University will not carry out Disciplinary proceedings whilst that investigation as ongoing, in order to preserve the integrity and primacy of that Police investigation in the first instance. Following conclusion of the Police or any subsequent Court action, however, the University may wish to determine whether any breaches of our Discipline Code can be identified to have taken place.

- A request for a review of a disciplinary decision made by the Vice-Principal (Governance) is admissible only where new evidence exists of which the University was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required).

- A request for review must be made in writing to the Vice-Principal (Governance) within ten working days of the date of the decision subject to review.

- The decision of the Vice-Principal (Governance) after any such review is final.

Student Services, University of Dundee February 2018