

# **NATIONAL UNIVERSITY OF SINGAPORE**

## **REGULATION 10A**

### **DISCIPLINE WITH RESPECT TO STUDENTS FOR SEXUAL MISCONDUCT OFFENCES**

#### **(A) APPLICATION TO SEXUAL MISCONDUCT OFFENCES**

1. These Regulations 10A shall apply to offences involving sexual misconduct (“Sexual Misconduct Offences”).
2. Sexual Misconduct Offences refer to any acts of a sexual nature committed against a victim through force, intimidation, manipulation, coercion or without the victim’s consent. Sexual Misconduct Offences include, but are not limited to the following examples:
  - (a) voyeurism;
  - (b) taking up skirt photographs or videos;
  - (c) indecent exposure;
  - (d) disseminating sexual/intimate information about another individual;
  - (e) verbal or physical contact of a sexual nature;
  - (f) making unwanted sexual advances or requests for sexual favours;
  - (g) sexually-related verbal or physical abuse;
  - (h) sexual assault;
  - (i) rape;
  - (j) intentionally inducing incapacitation in another individual with the objective of engaging in sexual conduct with that individual (regardless of whether such sexual conduct eventually transpires); and
  - (k) involvement with any form of prostitution.
3. These Regulations are intended to add to and supplement Regulation 10, and shall be read together with Regulation 10. In the event of any inconsistency or conflict with Regulation 10, these Regulations shall prevail.

#### **(B) REPORTING AND CLASSIFICATION OF SEXUAL MISCONDUCT OFFENCES**

4. Any complaints or allegations that a student has committed a Sexual Misconduct Offence shall be considered a possible Serious Offence. The case shall be referred to and dealt with by the Provost under Clause 5 of Regulation 10.
5. When a suspected Sexual Misconduct Offence is reported to Campus Emergency and Security, Campus Emergency and Security:
  - (a) shall immediately notify the NUS Care Unit. The NUS Care Unit shall offer counselling and support services to the victim of the suspected Sexual Misconduct Offence; and
  - (b) shall immediately notify the Office of Student Conduct. The Office of Student Conduct may issue a No-Contact Order on behalf of and under the authority of the Provost pursuant to Clause 19 of Statute 6 on Discipline With Respect To Students, if the Office of Student Conduct is of the view that a No-Contact Order would be an appropriate measure in the circumstances.

6. Where a No-Contact Order is issued pursuant to Clause 5(b) above, the No-Contact Order must be strictly complied with. Any breach of the No-Contact Order may be grounds for separate disciplinary action being taken against the person in breach.
7. Persons who are subject to a No-Contact Order issued pursuant to Clause 5(b) above and/or involved in disciplinary investigations or proceedings for a Sexual Misconduct Offence must not be subjected to any acts of retaliation, harassment, threats, intimidation and coercion. A breach of this Clause may be grounds for separate disciplinary action being taken against the person in breach.

**(C) ADDITIONAL PROCEDURES FOR DISCIPLINARY PROCEEDINGS FOR SEXUAL MISCONDUCT OFFENCES BEFORE THE BOARD OF DISCIPLINE**

8. Where disciplinary proceedings are to be adjudicated by the Board of Discipline, the Secretary to the Board of Discipline shall ensure that the victim of the alleged Sexual Misconduct Offence is given:
  - (a) timely updates about the status of the proceedings;
  - (b) a reasonable opportunity to provide a statement of facts to raise any matters regarding the alleged Sexual Misconduct Offence which the victim wishes the Board of Discipline to take into consideration;
  - (c) a reasonable opportunity to provide a victim impact statement;
  - (d) an invitation to attend an oral hearing to address the Board of Discipline on any matters in 8(b) and/or 8(c). The invitation shall also inform the victim that the victim may be accompanied by a care manager from the NUS Care Unit at the hearing;
  - (e) reasonable notice of the date of the oral hearing; and
  - (f) information on the outcome of the proceedings.
9. The Board of Discipline shall not reach any decision in respect of the disciplinary proceedings against the student, or exercise any of the disciplinary powers set out in Clause 11 of Statute 6 on Discipline With Respect To Students, unless the Board of Discipline is satisfied that Clauses 8(b) to 8(e) of these Regulations have been complied with.

**(D) ADDITIONAL PROCEDURES FOR DISCIPLINARY PROCEEDINGS FOR SEXUAL MISCONDUCT OFFENCES BEFORE THE DISCIPLINARY APPEALS BOARD**

10. Without prejudice to the provisions allowing a student to appeal to the Disciplinary Appeals Board pursuant to Clauses 25 and 25A of Regulation 10, within fourteen days after receiving notice of the decision of the Board of Discipline, the victim of the alleged Sexual Misconduct Offence may request that the Disciplinary Appeals Board review the sanction(s) imposed by the Board of Discipline against the student who is the subject of the disciplinary proceedings, on the grounds that the sanction(s) imposed is manifestly inadequate, by giving notice in writing to the Secretary to the Disciplinary Appeals Board. The notice shall set out the grounds of the victim's request for review and the relief sought.
11. Within twenty-one days after receiving the grounds of decision of the Board of Discipline, the victim of the alleged Sexual Misconduct Offence shall submit in writing to the Secretary to the Disciplinary Appeals Board the full details of the grounds of the victim's request for review.

12. Where the victim of the alleged Sexual Misconduct Offence requests for a review pursuant to Clause 10 of these Regulations:
- (a) within seven days or as soon as reasonably practicable after the victim's request for review is received, the Secretary to the Disciplinary Appeals Board shall inform the student who is the subject of the disciplinary proceedings that the victim has requested that the Disciplinary Appeals Board review the sanction(s) imposed by the Board of Discipline;
  - (b) the Disciplinary Appeals Board shall conduct and determine the review in accordance with the procedures set out at Clause 26 of Regulation 10, which shall apply with the necessary modifications;
  - (c) after a decision has been made, the Disciplinary Appeals Board shall inform the Secretary to the Disciplinary Appeals Board of the outcome of the review, including whether the original sanction(s) imposed on the student shall be affirmed, varied or discharged. Within seven days or as soon as reasonably practicable after receipt of the Disciplinary Appeals Board's decision, the Secretary to the Disciplinary Appeals Board shall notify the student of the same; and
  - (d) Clauses 28 and 29 of Regulation 10 shall apply with the necessary modifications.
13. Where an appeal is made to the Disciplinary Appeals Board by a student who is sanctioned by the Board of Discipline for committing a Sexual Misconduct Offence or a review is requested by the victim of the alleged Sexual Misconduct Offence pursuant to Clause 10 of these Regulations, the Secretary to the Disciplinary Appeals Board shall ensure that the victim of the alleged Sexual Misconduct Offence is given:
- (a) timely updates about the status of the proceedings;
  - (b) a reasonable opportunity to provide a statement of facts to raise any additional matters regarding the alleged Sexual Misconduct Offence which the victim wishes the Disciplinary Appeals Board to take into consideration, provided that such additional evidence was not reasonably available to the victim prior to the hearing before the Board of Discipline;
  - (c) a reasonable opportunity to provide a victim impact statement to raise any new matters which were not reasonably available prior to the hearing before the Board of Discipline;
  - (d) an invitation to attend an oral hearing to address the Disciplinary Appeals Board on any matters in 13(b) and/or 13(c). The invitation shall also inform the victim that the victim may be accompanied by a care manager from the NUS Care Unit at the hearing;
  - (e) reasonable notice of the date of the oral hearing; and
  - (f) information on the outcome of the proceedings.
14. The Disciplinary Appeals Board shall not reach any decision in respect of the disciplinary proceedings against the student, or exercise any of the disciplinary powers set out in Clause 11 of Statute 6 on Discipline With Respect To Students, unless the Disciplinary Appeals Board is satisfied that Clauses 13(b) to 13(e) of these Regulations have been complied with.