





## 2. Scope

- 2.1 This policy outlines how the University will support students who have disclosed or reported incidents of a sexual nature that contravene the General Regulations & Procedures Affecting Students, Chapter 2. See Annex 1 & 2 of this policy for types of behaviour and glossary of terms or the Code of Conduct for Staff and Governors.
- 2.2 This policy applies to:
- f* All Students of the University who are governed by the General Regulations of the University.
  - f* This Policy relates to all incidents of Sexual Misconduct as defined in [General Regulations & Procedures Affecting Students Chapter 2](#)
  - f* Under this Policy all students who have experienced an incident of Sexual Misconduct will have equality of access to support regardless of when the incident occurred.
  - f* Disclosures and reports made under this Policy are not limited to incidents that are alleged to have occurred on university premises.
  - f* When the person who is alleged to have committed an act of Sexual Misconduct (the Responding Party) is a Student, the University will conduct a risk assessment (RARA) to ensure the continued safety of reporting student and the wider University community. The university shall consider the risk and determine if a risk assessment is required
  - f* When the Responding Party is a member of Staff, the University's HR department will lead any further investigations, whilst the Student who has made the allegation (the Reporting Student) will be supported in accordance with this Policy. In instances where the alleged sexual misconduct has been reported to the Police, the criminal investigation and any subsequent court processes must be concluded before the University's disciplinary investigation can commence.



### 3. Parameters

- 3.1 Alcohol and/or Drug Use:  
Intoxication is never a defence for committing an act of Sexual Misconduct and/or Sexual Violence, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation.
- 3.2 Consent:  
Receiving consent once does not mean consent is given subsequent action.
- 3.3 Equality and Diversity:  
Sexual Misconduct and Violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBT+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and violence may intersect with other forms of harassment and discrimination.

### 4. Disclosure

- 4.1 Disclosure means an individual choosing to tell anyone who is part of the University community about an incident of Sexual Misconduct. A disclosure will be supported by the University. Disclosures may also be made to the specialist University service; [The Mandala Project](#)
- 4.2 A disclosure is confidential and will only be shared with the express permission of the disclosing student. A disclosure may remain the first and last point of contact with the University. A student can progress a disclosure to a report at any time.
- 4.3 By exception the University may refer the case to the Police if the risk is deemed to warrant it, e.g., a safeguarding concern
- 4.4 The Mandala Project will offer support and can signpost to external agencies if required. This can include



- 4.6 Having disclosed an incident, the student may wish to report the case for further investigation. This will be referred to the University Security Team.
- 4.7 The University has a duty to protect its Staff and Students, and there may be circumstances where the University considers that a matter which is raised informally must be pursued. The University reserves the right to take such action as it considers appropriate in relation to any matter raised, where it considers that it is in the interests of the University, its staff or students to do so.
- 4.8 A Report is the official sharing of information with a Staff member of the University regarding an incident of Sexual Misconduct experienced by that individual, for the purposes of initiating an investigation process by the University.
- 4.9 If an allegation is reported to the police, the police investigation will take precedence over the University's investigation process. The University cannot prejudice a criminal investigation and cannot run their own investigations concurrently. In this instance an internal risk assessment (RARA) will be undertaken by the University Security Team to determine whether intermediate action is required by the University.
- 4.10 If a Student chooses not to report to the police, the University may investigate any breach of University regulations only ([Chapter 2, General Regulations & Procedures Affecting Students](#)). This investigation will be carried out by trained specialist investigators from the Security Team who will create a case file. The University is not in a position to carry out forensic investigations and will rely on evidence that is presented. An early report may assist investigators to gather timely and relevant evidence.
- 4.11 The University can only investigate reports on the Balance of Probabilities; i.e. that on the basis of the evidence available, it is more likely that something occurred than not.



## 5. Procedure

5.1 Any Student that has been accused of Sexual Misconduct as defined in the

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- 6.2 The University reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider University community from harm or to prevent a crime from taking place.
- 6.3 All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential.

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## 10. Types of Reporting

### 10.1 Anonymous Disclosure

The University cannot respond to anonymous reports. The University has made provision for anonymous disclosures through its [anonymous disclosure form](#) but these are used for soft intelligence only. There will not be a free text option. The University does however recognise that students may wish to raise concerns confidentially. Any disclosure will be treated in the strictest confidence.

*f* By knowing the identity of the complainant, the University will be able to implement its investigatory procedures to its fullest extent. It must be borne in mind that: The person or department which is the subject of a complaint may recognise the complainant because of the issues or allegations raised.

*f* No student will suffer reprisals for making a complaint in good faith.

### 10.2 Reports Made Without Basis and With Intent to Cause Harm

The University reserves the right to terminate consideration of a report if it considers it to be frivolous, malicious or vexatious. In such instances the report will be referred to the Student Appeals and Conduct Officer (or their designated nominee). The Officer will write to the reporting Student explaining why they are terminating consideration of the matter. In such circumstances the Student Appeals and Conduct Officer (or their designated nominee)'s decision is final and not subject to review by any other University body.

10.3 Should the Student Appeals and Conduct Officer (or their designated nominee) determine that a report is malicious or vexatious, the complaint will be closed and appropriate disciplinary action may be taken against the complainant under the University's [General Regulations and Procedures Affecting Students, Chapter 2](#),

10.4 Students are reminded of the expectation to abide by the [Social Media Policy](#).





#### 10.5 What are online harms?

The government's online safety bill defines online harms as user generated content or behaviour that is illegal or could cause significant physical or psychological harm to a person. Online harms can be illegal, or they can be harmful but legal. Examples of online harms include (but are not restricted to):

- f* child sexual exploitation and abuse
- f* terrorist use of the internet
- f* hate crime and hate speech
- f* harassment, cyberbullying and online abuse

Online harms in this context refers to harm experienced by users.

## 11. Review

### 11.1 The university will:

- f* Ensure this policy, and any changes, is accessible to staff and students
- f* Annually review and update this policy, where appropriate, and any other associated policy and guidelines and publish details of any changes.





## Sexual Harassment

Sexual harassment in the context of this Policy is defined as behaviour which makes another person feel distressed, intimidated or offended and, the behaviour is of a sexual nature. It may include for instance behaviour that does not involve physical contact e.g. inappropriate text messaging. If contact or H





The GRPaS contains comprehensive details of behaviours that are unacceptable in relation to this policy and processes to be followed.

Examples of Vexatious reporting involves the creation of, unwarranted or fictitious reports made under this or any other Policy, or a continuous refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.

Malicious reporting occurs when an individual makes allegations of Sexual Misconduct and Violence that the individual knows to lack a basis in fact.





Coercion or Force includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear

## Annex 3 Student Disclosure Pathway



- f* Information will be made available to you on how to report either externally or internally.
- f* The sooner a report is made, there is a greater opportunity to gather and preserve evidence. However, you can report at any time.
- f* Support will be offered whether you choose to report, or just disclose.
- f* If you are unsure how to proceed, remember forensic evidence can be gathered at SARC within a time period and can be preserved to be used at a later date (upto 2 years).





