



Sexual Violence and Misconduct: Procedure for Students

Responsible Office	Student Experience
Responsible Officer	PVC Student Experience
Approving Authority	Senior Leadership Group
Date of Approval	20/09/21
Effective Date	11/10/21
Related Procedures	Student Disciplinary Procedure
Related University Policies	Student General Regulations Harassment Policy
Amended (if applicable)	
Supersedes	
Next review due	June 2023

1. Purpose

- 1.1) This procedure sets out how the University will deal with incidents of Sexual Violence and Misconduct against student members of the University community. The procedure should be read in conjunction with the [Student Disciplinary Procedure](#).

2. Scope

- 2.1) This procedure applies to all alleged incidents of Sexual Violence and Misconduct between the University's students.
- 2.2) In the event that the Reporting Party is a student, member of staff or contractor of the University and the Responding Party is a student, this procedure will apply. In the event that the Responding Party is a member of staff or contractor of the University, action will be taken by HR in accordance with the Staff Disciplinary Policy.
- 2.3) If a decision is taken not to deal with a case under this procedure then the Reporting Party can request a review of that decision in accordance with the review process summarised below.

3. Support

- 3.1) Support resources are available to any member of the University who discloses an incident regardless of whether or not they make a Report to the University or Police.
- 3.2) Support resources are available to the Reporting and Responding Party through specially trained staff in Student Wellbeing Services. This may include signposting or referral to external services.
- 3.3) The Reporting and Responding Party may be signposted to the Students' Union Advice Service to access free, impartial and confidential advice.

4. Police investigations

- 4.1) Where a criminal investigation or judicial proceedings are ongoing or are likely to commence, the University will not commence an internal investigation or may suspend an ongoing investigation. In all instances the University will undertake necessary precautionary action.
- 4.2) A decision by the Police or Crown Prosecution Service to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from taking action under this procedure and does not mean the Reporting Party has made a vexatious or malicious report.
- 4.3) The University will advise the Reporting Party that it does not have the legal investigatory powers of the Police, and cannot determine criminal guilt. The internal process cannot be regarded as a substitute for a Police investigation or criminal prosecution.

5. Procedure following a disclosure and/or report

Disclosure and Reporting are separate actions that the Reporting Party may choose to take.

- **Disclosure:**

- 5.1) A Disclosure may relate to a Responding Party who is, or is not, a member of the University community. A Disclosure does not automatically result in a Report under the Sexual Violence and Misconduct Procedure. The University respects the right of the Reporting Party to choose how to take forward a Disclosure.
- 5.2) Staff who receive a Disclosure that may amount to a breach of the Sexual Violence and Misconduct Procedure must inform Student Wellbeing Services.
- 5.3) Following a Disclosure, the Reporting Party will be given the option and support to do one or more of the following:
 1. Report to the Police
 2. Report to the University under the Student Disciplinary Procedure
 3. Make no report of the incident and/or
 4. Receive advice on the support that is available
- 5.4) If the Reporting Party does not report the incident to the police, this does not preclude the University from taking action under the Student Disciplinary Procedure, and it will not impact the investigation process, detailed below.

- **Report:**

- 5.5) The Reporting Party may choose to make a Report to the University with the intention of the University initiating the investigation process. To make a Report, the Reporting Party may submit a written statement of the allegation to the Student Feedback and Complaints Manager, indicating the Responding Party. If there are any witnesses to the event these should be identified, although a decision to proceed is not reliant on witnesses. Alternative reporting options include the online [Report and Support](#) platform. A Report cannot be investigated if the Responding Party is not identified, or if the Reporting Party does not wish the substance of the allegation to be made known to the Responding Party.
- 5.6) The Reporting Party will then be asked to attend an initial meeting with the Student Feedback and Complaints Manager (or nominee). During the meeting, the investigation procedure will be explained and the report details confirmed. A summary of the initial meeting will be sent to the Reporting Party, who will be asked to confirm their accuracy and their preferred next steps. The Reporting Party can be accompanied for support by a member of the University community, including a Students' Union representative, a student, family member, friend, or member of a specialist external agency.
- 5.7) Once a confirmed Report is received, the Student Feedback and Complaints Manager will arrange an Initial Review Meeting (IRM). A decision to launch a formal investigation can only be made at the IRM if requested by the Reporting Party. The Responding Party or any other student must not be informed of the Report.

6. Initial Review Meeting (IRM)

- 6.1) The Initial Review Meeting (IRM) will be chaired by the Pro-Vice-Chancellor Student Experience (PVCSE) (or their nominee). The purpose of the IRM is to assess support needs and to agree next steps.
- 6.2) The membership of the IRM will be determined by the PVCSE (or their nominee) and may include the Head of Student Wellbeing Services, Sexual Violence Liaison Officer, Student Feedback and Complaints Manager, Head of the School of the student(s) named in the report.
- 6.3) During the IRM, a risk assessment will be undertaken to determine whether any precautionary measures need to be put in place. These measures may include one or more of the following:
 - a. Imposing conditions on the Responding Party, including a “no-contact contract”
 - b. Suspending the Responding Party
 - c. Ensure arrangements are in place to maintain confidentiality as appropriate
- 6.4) Actions arising from the IRM may include (but are not limited to):
 - a. The provision of further or different support to the students involved.
 - b. The imposition of precautionary measures on the Responding Party
 - c. Appropriate communication with the parties involved.
 - d. Agreement to Investigate the alleged incident.
 - e. Agreement to not investigate the alleged incident. If this is the case, the Reporting Party will be provided with written reasons for this determination.
- 6.5) If the IRM decides not to investigate the incident, the Reporting Party can request a review of the decision, in writing to the PVCSE within 14 days of notification of the decision.

7. Investigation

- 7.1) Where the IRM agrees that the Report should be investigated under this procedure, the following process will apply, coordinated by the Student Feedback and Complaints Manager.
- 7.2) A University Investigator who has been trained in investigating incidents of sexual violence and misconduct, will seek to gather evidence as to whether or not misconduct has occurred.
- 7.3) Following the IRM, the investigation will be undertaken as quickly as possible. All parties must maintain appropriate levels of confidentiality. Failure to do so may result in disciplinary action.
- 7.4) The purpose of the investigation meetings is to provide each party with a fair opportunity to present their version of events.
- 7.5) Investigation meetings will be conducted sensitively and separately, following a

trauma-informed approach. Normally the first meeting will be with the Reporting Party. The Reporting Party and Responding Party will not attend the same investigation meeting.

- 7.6) All students involved in the process can be accompanied for support by a member of the University community, including a Students' Union representative, a student, family member, friend, or member of a specialist external agency. The accompanier is there to provide moral support and may not be a legal representative. The student is expected to speak on their own behalf.
- 7.7) The Responding Party will receive written notification of the procedure being followed, a redacted copy of the original report submitted, and any additional supporting documentation submitted by the Reporting Party. The Responding Party will be required to submit a written response in reply to the documentation provided, at least two working days before their meeting with the Investigator. The Responding Party will be required to attend a meeting with the Investigator, and will be given a fair opportunity to present their version of events in response to the allegation.
- 7.8) Witnesses may be contacted by the Investigator and will be required to submit a written statement and may be asked to attend a meeting. Any witness statements will be provided to the Reporting and Responding Parties, and may be anonymised if requested.
- 7.9) Notes will be taken in all investigation meetings and the interviewee will be asked to confirm that it is an accurate summary of the discussion. Copies of the notes will be retained by the interviewee, the Investigator and the Student Feedback and Complaints Manager. They will not be shared with the other party.
- 7.10) On the balance of probabilities, the Investigator will determine whether the evidence available indicates a breach of the Student Disciplinary Policy. The outcome may be one of the following:
 - a. The evidence does not support a breach of the policy, therefore no further action is required. The case will be dismissed and no disciplinary action will be taken, but continued support will be offered to both parties.
 - b. The evidence does indicate a breach of the policy and disciplinary action is required. In such a case, a panel will be convened to consider any mitigations and to agree the penalty (listed in section 7 of the Student Disciplinary Procedure). The panel will include the Pro-Vice-Chancellor Student Experience (or nominee), Student Feedback and Complaints Manager, Investigator, a representative from the Students' Union, and a member of the academic community.
- 7.11) At the conclusion of the Investigation, the Reporting Party and the Responding Party will be asked whether they wish the outcome to be conveyed by email, video or telephone meeting.
- 7.12) An investigation report will be provided to the Reporting Party and Responding Party. This will include a summary of findings, any mitigations, the outline of any sanctions or next steps, and the provision of post-investigation support for the students involved.

8. Appeal

- 8.1) Following the conclusion of the investigation, the Reporting Party and/or Responding Party may appeal against the outcome, following the process detailed in section 9 of the Student Disciplinary Procedure.

9. Glossary

Disclosure: involves an individual choosing to tell anyone who is part of the University community about their experience of Sexual Violence and Misconduct.

Report: the sharing of information with a staff member of the University regarding an incident of Sexual Violence and Misconduct experienced by that individual for the purposes of initiating the investigation process by the University.

Reporting Party: the person(s) who has been the subject of the alleged incident of Sexual Violence and Misconduct or other policy breach.

Responding Party: the person(s) whose behaviour it is alleged amounted to an incident of Sexual Violence and Misconduct or other policy breach.

Initial Review Meeting (IRM): this is a meeting following receipt of a report of sexual violence and misconduct where support needs are assessed and next steps are agreed. The members of the IRM will also determine whether to pursue an investigation into the alleged incident.

Sexual Violence Liaison Officer (SVLO): a trained member of staff who provides a proactive support and advice service to any students who have experienced sexual violence.

No-Contact Contract: this is a mutual arrangement between two individuals who agree that they will not have direct contact with each other in person or electronically.

Trauma-informed approach: this is an approach to dealing with incidents that recognises the widespread impact of trauma and incorporates victim-centered practices.

Balance of probabilities: the balance of probabilities standard means that a disciplinary panel is satisfied an event occurred if it considers that, on the evidence, the occurrence of the event was more likely than not.