



## Procedure for Managing Staff Disclosures and Formal Allegations of Sexual Violence and Misconduct (Staff)

### 1. INTRODUCTION & PURPOSE

- 1.1 The University is committed to take all necessary steps to ensure a safe learning and working environment, in which the rights and dignity of all members of the University community are valued and respected.
- 1.2 Sexual violence and/ or misconduct (SVM) can have a devastating impact on individuals, their supporters, the wider University community and beyond. The University is committed to promoting a culture in which incidents of SVM will not be tolerated. Any person who has experienced SVM can raise the issue with confidence that the matter will be treated sensitively.
- 1.3 The aim of this procedure is to provide clarity in how the University will respond to disclosures of SMV involving a member of staff.
- 1.4 This procedure is part of the University's Sexual Violence and Misconduct Policy and should be read in conjunction with that Policy. This procedure does not cover incidents of non-sexual harassment against staff as the University has a separate policy ([Dignity and Respect Policy Statement & Procedure](#)). Students wishing to raise incident(s) of harassment or sexual misconduct should refer to the University's [Never OK Hub](#). Where formal complaints are made concerning the behaviour of a staff member towards a student, an investigation may be commenced in line with the appropriate University Staff Disciplinary and Appeals procedure.

### 2. Scope

- 2.1 This procedure relates specifically to experiences which have occurred during employment and where the Accused party is a current member of staff of the University. Disclosures and reports made under this Procedure are not limited to those relating to incidences which occurred on University premises or the immediate geography of the University.
- 2.2 Where the University is made aware of any incidents or allegations which are unrelated to the workplace, but may be a concern for the University, the University reserves the right to take action under this procedure i.e. incidents that take place outside of work.



- 2.3 A disclosure is different to making a report. A disclosure is when someone informs another that they have experienced a form of SVM. This may be the only step a Reporting party takes. Whilst action will not normally be taken as a result of disclosures, there may be some cases where the University has a duty of care to act, usually in cases where someone is at immediate risk of harm or under our safeguarding policy.
- 2.4 Reporting is when someone formally notifies the University of their experience of SVM, and would like the University to do something about it. A disclosure therefore becomes a report if the Reporting party wants action to be taken as a result of the disclosure.
- 2.5 The level of support that the University can provide and the process followed will be influenced by whether the Accused party is a member of staff, student or other and as outlined below.

<b>Reporting Party</b>	<b>Accused Party</b>	<b>Procedure Applied</b>
Student	Student/ other	Sexual Violence and Misconduct Procedure for Students
Staff member	Student	Sexual Violence and Misconduct Procedure for Students
Student	Staff member	Single comprehensive source of information will be followed and disciplinary process commenced as appropriate
Staff member	Staff member/ other	Sexual Violence and Misconduct Procedure for Staff

Where the Accused Party is both a student and a member of staff, both procedures may be used. The circumstances of the allegation will determine the appropriate route for investigation and will be agreed in consultation with Directorate of Student Services and Success.

- 2.6 In all cases, the University will be able to provide support to staff where their experiences are having an adverse impact on their employment and/or personal health and wellbeing. This can include support and guidance from our Occupational Health department or staff counselling via Health Assured. Where applicable, external services such as mental health services, specialist counselling and sexual assault referral centres (SARCs) can be signposted.
- 2.7 SVM includes a broad spectrum of behaviour. Examples of the types of behaviour that will constitute a violation of the University's Sexual Violence and Misconduct Policy are set out in the corresponding Sexual Violence and Misconduct Policy.



### **3. PROCEDURE**

#### **3.1. Making a Disclosure:**

- 3.1.1 If a member of staff has experienced sexual misconduct, they are encouraged to make a disclosure to a Safe Contact. Details of safe contacts can be obtained from the Employee Relations team on 01782 731816. Further details of team members can be found in the Employee Relations section [here](#). This page is only accessible on the intranet. Contact details for external enquiries can be obtained via [hr.support@keele.ac.uk](mailto:hr.support@keele.ac.uk).
- 3.1.2 The Reporting party can attend a meeting alone, or bring a trusted colleague who has not been witness to the reported behaviour, or recognised trade union representative with them for support.
- 3.1.3 The level of support that the University can provide and the process followed will be influenced by whether the Accused party is a member of staff, student or other person.
- 3.1.4 In the first instance, the member of staff will have the opportunity to share, with a Safe Contact, the circumstances of their experience. The Safe Contact will listen and allow time for the member of staff to share their concerns. Detailed notes of the incident(s) will not normally be taken as it is important any written statement is in the words of the Reporting party if they later choose to make a formal complaint.
- 3.1.5 The Safe Contact will be able to provide advice on what support could be available, alternative reporting options and will make a record of that advice and any adjustments put in place. They will also explain how to make a formal report of the incident(s), and an explanation of the process that will follow.
- 3.1.6 In all cases staff must ensure the reporting party is aware that it is their choice as to how the University proceeds with their disclosure.
- 3.1.7 In all cases, the University does not have legal investigatory powers, and cannot make a determination on criminal guilt. Any internal investigation would focus only on whether a breach of the University policy has occurred based on the balance of probability. The internal process cannot therefore be regarded as a substitute for a police investigation or criminal prosecution, which has a higher burden of proof, beyond reasonable doubt. An internal investigation may take place even if the Reporting party has not disclosed to the police.
- 3.1.8 Where a criminal investigation is underway, or expected to take place, the University will not normally be able to investigate internally at the same time, for risk of compromising the criminal investigation. In such circumstances, the internal investigation will be suspended until the criminal investigation has concluded. However, the University will take any necessary precautionary action, which may include action up to and including suspension. The University will comply with any reasonable requests during a police investigation and in accordance with the appropriate legal framework.

#### **3.2. Making a Formal Report:**

- 3.2.1 The University will promptly act on all reports of SVM alleged by a member of staff or against a member of staff of the University in line with the University's SVM Staff Policy, appropriate Disciplinary Procedure or any other appropriate University policy. A staff



member wishing to make a report can do so via the University's Report and Support Platform (<https://reportandsupport.keele.ac.uk/>) or to their line manager or if the report is about them, the next more senior manager. HR may also be contacted.

- 3.2.1 If the allegation is against a current member of staff, the University will be able to support the Reporting party in formally reporting the incident(s) and conduct a thorough investigation.
- 3.2.2 If the allegation is against a current student, the University will be able to support a reporting staff member in making a formal complaint under the University's Student Non-Academic Discipline Code of Practice.
- 3.2.3 If the allegation is against another member of the Keele Community, a formal report can be made, and further consideration will be given to how the University can respond and take action, based on the circumstances. Appropriate support will be provided to the reporting staff member regardless of the status of the accused party.
- 3.2.4 Where the Accused party is both a student and a member of staff, consideration will be given to the circumstances in which the act of misconduct took place before a decision is reached on how to proceed with an investigation. Wherever possible, only one investigation will take place, but it may be necessary for the investigation to be considered under both staff and student disciplinary procedures.
- 3.2.5 We recognise some acts of sexual misconduct do constitute a criminal offence and as such the Reporting party may wish to make a report to the police. In such instances, support can be provided in making the disclosure to the police if that is what the staff member would like. Should the complaint also be investigated by the Police, the University investigation may need to be postponed until that is completed. During a Police investigation the University will provide appropriate support and respond to all reasonable requests from the Police in accordance with the legal framework.
- 3.2.6 In any reporting situation, a member of the HR team will usually be assigned to provide support to the Reporting party. This person will be independent from the investigation and will take a role in keeping the staff member apprised of progress and direct them to any additional support they may wish to access.

### **3.3 Investigation**

- 3.3.1 The Chief People Officer or Deputy Director of HR will appoint a suitable investigating officer and whilst this would normally be within the management line of the member of staff (Accused Party), the University reserves the ability to appoint a suitable senior colleague from outside of the management line where appropriate. It is noted that investigations of this nature are complex and require a high degree of sensitivity and therefore this will be taken into account when determining the most appropriate investigating officer.
- 3.3.2 When an investigation is initiated, the investigator, supported by a member of HR will conduct investigatory meetings into the allegations made against the Accused Party. The investigation may include, but is not limited to, interviews with the Reporting Party, the Accused Party and



other witnesses identified as having information relevant to the allegations made. A review of written statements and other relevant documents will also be carried out.

- 3.3.3 Individuals interviewed as part of an investigation may be accompanied by a Trade Union representative or workplace colleague. In the case of students, they may be accompanied by a member of the University community who has had no involvement in the reported incident(s).
- 3.3.4 The Accused party will be given details of the allegations raised and provided opportunity to respond to them.
- 3.3.5 Although it is difficult to set timescales for investigating allegations, every effort will be made to complete the investigation in a timely manner. It is important to note that investigations into allegations of SVM require a high level of sensitivity and as a consequence, investigations may take longer than they do for other types of alleged misconduct. The investigating officer will be responsible for identifying a proposed timeline and for communicating any delays with both parties.
- 3.1.6 Upon the conclusion of a full investigation the investigating officer will write a report of the investigation for submission to the Accused Party's line manager, or next senior manager, where appropriate. Upon receipt the receiving manager will determine whether to proceed to a formal disciplinary meeting, action short of disciplinary or no further action.
- 3.3.7 Both the Reporting Party and the Accused Party will be notified of the outcome of the Investigation. Consideration will be given to what level of detail can be provided to the Reporting party following the outcome of an investigation and wherever possible sufficient detail will be provided to provide assurance that a full and thorough process was followed.
- 3.3.8 Where the investigation establishes that there is a *prima facie* case of misconduct, the relevant University Staff Disciplinary and Appeals Procedure will then be followed (this procedure will not be applicable from that point). The investigation undertaken in accordance with this procedure will form the basis of the case to be referred for review under the disciplinary procedure.
- 3.3.9 If an allegation is considered to be malicious or vexatious, this may result in disciplinary action being taken against the Reporting Party. However, no action will be taken if an allegation has been made in good faith, even if judged to be unfounded.

### **3.4 Suspension**

- 3.4.1 Where an allegation has been made against a member of staff, it may be appropriate to suspend the member of staff from duty pending investigations. Full details of the suspension procedure can be found in the appropriate Staff Disciplinary and Appeals procedure.

### **3.5 Request for Review**

- 3.5.1 Following conclusion of the investigation a review can be lodged by the Reporting Party where they believe:
  - A review of the decision/ recommended action is required;
  - To consider additional support/ action to support themselves;
  - There has been a procedural irregularity.



- 3.5.2 Reviews must be logged in writing to Human Resources within 10 working days of the written outcome and should specify the grounds for the review. This review process can be used if a decision is taken not to consider a case under this procedure or if a decision is made to take no further action following an investigation under this procedure. It cannot be used to challenge a disciplinary sanction issued in accordance with the appropriate Staff Disciplinary and Appeals procedure.
- 3.5.3 Human Resources may choose to appoint a more senior manager, who will be supported by a member of Human Resources, neither of which will have had previous involvement in the case. The review stage will not re-investigate the allegations, but will consider the appropriateness of the outcome and recommendations based on the information gathered.
- 3.5.4 The Reporting Party will be notified of the date of the review meetings within 10 working days of receipt of the review request (the meeting itself will not normally take place within this timescale, although every effort will be made to hold the meeting as soon as possible). This timescale may be extended by mutual agreements. The Reporting Party will normally be given at least five working days written notice of the date of a review meeting.
- 3.5.5 The manager considering the review will meet with the Reporting Party (and any other relevant individuals) and will determine whether the outcome determined by the Investigating Officer at the formal stage are sufficient or if further action is required.
- 3.5.6 The outcome of the review stage is final.

### **3.6 Support**

- 3.6.1 The University will undertake a risk assessment for each disclosure received, and where appropriate, will review this risk assessment at key points in any investigation process to ensure any support and/or adjustments in place remain relevant and responsive to the circumstances.
- 3.6.2 Both the Accused Party and Reporting party will be signposted to appropriate support services throughout the investigatory process.

## **4 ROLES AND RESPONSIBILITIES**

- 4.1 If you wish to discuss this procedure or its contents, appropriate contacts include the University Safeguarding Lead (full details available in the University Safeguarding Policy), Human Resources and Students Service.
- 4.2 Any member of staff who is witness to sexual violence of misconduct is encouraged to raise matters. This may be through the management line or Report and Support. If the incident is ongoing, it should be reported to an appropriate manager or Campus Safety as appropriate.

## **5 RELATED POLICIES AND PROCEDURES**

- Sexual Violence and Misconduct Policy Statement
- Policy and Procedure to Deal with Complaints Regarding Bullying, Harassment and Victimisation – Staff



- Bullying, Harassment and Victimisation Policy Statement for Students
- Student Non-Academic Discipline Code of Practice
- Regulation B2. Student Discipline
- Disciplinary and Appeals Procedure for Academic Staff
- Disciplinary and Appeals Procedure for Staff
- Safeguarding Policy (and associated Safeguarding Procedure)

## 6 REVIEW, APPROVAL & PUBLICATION

This procedure will be reviewed every three years in accordance with University guidelines, or sooner where changes are required.

This policy will be approved by University Executive Committee, in accordance with University guidelines.

This document will be available to view within the Policy Zone on the University website.

## 7 DOCUMENT CONTROL INFORMATION

<b>Document Name</b>	Procedure for Managing Staff Disclosures and Formal Allegations of Sexual Violence and Misconduct (Staff)
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<b>Related University Policy Documents</b>	Sexual Violence and Misconduct Policy Statement Policy and Procedure to Deal with Complaints Regarding Bullying, Harassment and Victimisation – Staff Bullying, Harassment and Victimisation Policy Statement for Students Student Non-Academic Discipline Code of Practice Regulation B2. Student Discipline Disciplinary and Appeals Procedure for Academic Staff Disciplinary and Appeals Procedure for Staff Safeguarding Policy (and associated Safeguarding Procedure)
<i>For Office Use – Keywords for search function</i>	Sexual, violence, misconduct, staff, student