

## Sexual Violence and Misconduct Procedure - Students

### 1. Introduction

- 1.1. This procedure sets out how Keele University (the University) will respond to disclosures or reports of sexual violence and misconduct (SVM) where the Reporting Party and/or the Accused Party is a member of the student community. The procedure implements the University's Sexual Violence and Misconduct Policy and should be read in conjunction with that policy. This procedure is for University staff responding to SVM in the student community; this includes the provision of support, risk assessment, investigation, or disciplinary functions.

### 2. Scope of Procedure

- 2.1. This procedure sets out how the University will provide support to current students affected by SVM, including where the student is disclosing or reporting SVM, accused of SVM or, where appropriate, a witness to SVM.
- 2.2. Where the student affected by SVM is registered at Keele but studying at a partner institution, the University will seek to liaise with the partner institution to ensure the student is offered support and reporting options. It is unlikely the University will be able to investigate a report in these circumstances.
- 2.3. Where a formal report is received and the Accused Party is a current student, this procedure will apply in relation to the risk assessment, investigation and disciplinary processes, alongside [Regulation B1: Student Discipline](#). Where relevant, [Regulation B5: Fitness to Practise](#) will also apply.
- 2.4. In the event that the Reporting and/or Accused Party is a member of staff or contractor of the University, action will be taken by the Directorate of Human Resources in accordance with the procedure for managing staff disclosures and reports of SVM.
- 2.5. Where the Accused Party is both a member of staff and a student, both staff and student disciplinary procedures may be used. The circumstances of the allegation will determine the appropriate route for investigation and will be agreed by the Risk Assessment Panel in consultation with the Directorate of Human Resources.

### 3. Initial Steps

- 3.1. Students may come forward with a disclosure of SVM to any member of staff at the University. Staff should follow *Guidance on Taking a Disclosure of Sexual Violence* available at Annex A and refer the student to the Sexual Violence Prevention and Support Team at the earliest opportunity.
- 3.2. In all cases staff must ensure that the reporting student is aware that it is their choice<sup>1</sup> as to how the University proceeds with their disclosure. There are several avenues open to the student:

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<sup>1</sup> In exceptional circumstances, where a risk assessment concludes that there remains a risk of harm to a child or vulnerable adult, and/or a serious risk of harm to the reporting student and/or the wider community, the

- i. The student wishes to access support but does not want to engage with any legal or disciplinary processes. In this case the University may take a statement from the student, but will prioritise the provision of emotional and practical support. Students can access support from the Sexual Violence Prevention and Support Team, or from other support providers including the Counselling & Mental Health and Chaplaincy teams, as well as specialist external providers such as Savana.
- ii. The student wishes to access support and engage with the formal disciplinary process where the accused party is a member of the university community. In this case the report will be investigated under this SVM Procedure and Regulation B1- Student Discipline.
- iii. The student wishes to access support and make a report to the police. In this instance, where the Accused Party is a member of the university community, the University will normally pause any investigation but may opt to put risk-mitigation measures in place while the police investigation is ongoing. The University will still offer support to the student, including support to make the report to the police. Once a police investigation and any resulting process is complete, the University may still investigate a report under its own disciplinary regulations if the accused party is a member of the university community.
- iv. The student wishes to access support and seeks to engage in the mutual resolution process – see SVM Mutual Resolution Policy and Procedure.

#### **4. Police investigations**

- 4.1. The University may receive a disclosure (support seeking) or a report (formal complaint) of SVM while the same case is being investigated by the police and/or considered by the criminal court. In these circumstances, any University investigation in progress or soon to commence will normally be suspended, so as not to impede the criminal justice process. The disciplinary process can be resumed fully, or in part, at any stage should the University deem this necessary in the circumstances but will normally resume once criminal justice proceedings are complete.
- 4.2. When a report (formal complaint) is made to the University, or where the University is notified of a disclosure that is being investigated by the police, and the Accused Party is a current student, the University will normally conduct an initial risk assessment and will take precautionary action by imposing restrictions to mitigate any identified risk to the Reporting Student, the Accused Student, any witnesses, and the wider university community, in line with Regulation B1.
- 4.3. A decision by the Police or Crown Prosecution Service (or other law enforcement agency) 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 Regulation B1 to ascertain if there has been a breach of the University's student discipline regulation and does not mean the Reporting Student has made a vexatious or malicious report.
- 4.4. The University may advise the Reporting Student that it does not have the legal investigatory powers of the Police, and cannot make a determination on criminal guilt. An internal

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University may be bound by law to report the incident to a relevant external authority and/or conduct a disciplinary investigation. Please see the University Safeguarding Policy and Privacy Notices for more information.

investigation is focussed exclusively on whether there has been a breach of the University's Regulation B1.

- 4.5. Any criminal conviction may constitute a major misconduct offence under Regulation B1. Therefore, the University reserves the right to undertake its own investigation to consider the case and to ascertain whether the case should proceed to Discipline Committee. This will normally include gathering relevant information from the court, including the sentence passed by the court. The Head of Academic Quality and Student Conduct or nominee will then determine whether to dismiss the case or refer it to a formal meeting of the Discipline Committee. Exceptionally it may be referred for consideration by chair's action on behalf of the Discipline Committee. Where criminal proceedings have resulted in a custodial sentence of 12 months or more, the Head of Academic Quality and Student Conduct can recommend to the Deputy Vice-Chancellor that the student is permanently excluded from the University.

## **5. Support**

- 5.1. The University is committed to providing support for those members of its community affected by these issues. The University will provide information and support resources to the Reporting Student, Accused Student, and where appropriate, any witnesses involved in alleged incidents of SVM.
- 5.2. Support resources are available to any member of the University who discloses an incident whether or not they make a formal report to the University or Police. Support remains available irrespective of the outcome of any formal report.
- 5.3. Where the Reporting Student wishes to access support, they will be offered support through a Sexual Violence Liaison Officer (SVLO) from the Sexual Violence Prevention and Support Team. Other support at Keele and in the local area, including specialist therapeutic services, will be signposted.
- 5.4. Where the Accused Student wishes to access support, they will be offered support by Student Services through the Student Experience & Support, Counselling & Mental Health and/or Chaplaincy teams, and will be signposted to the ASK at Keele Students' Union for free and impartial advice if a disciplinary investigation is initiated.

## **6. Monitoring**

- 6.1. The University will maintain a central record of incidents to effectively engage in prevention, response and reporting initiatives.

## **7. Procedure following a Disclosure and/or Report**

- 7.1. Disclosure and Reporting are separate actions that the Reporting Student may choose to take. The University recognises the importance of minimising the number of times the Reporting Student has to disclose an incident of SVM.

### Disclosure

- 7.2. A disclosure may relate to an Accused Party who is or is not a member of the University community. A disclosure does not automatically result in a report to the University being made under Regulation B1: Student Discipline. The student disclosing SVM should be allowed to choose how to take forward a disclosure, as highlighted at 3.2 above. In exceptional circumstances, where a risk assessment concludes that there remains a risk of harm to a child or vulnerable adult, and/or a serious risk of harm to the reporting student and/or the wider community, the University may be bound by law to act, whether or not the student disclosing the SVM agrees. In such circumstances, University action could include applying risk-

mitigation measures, investigating the disclosure, or informing a relevant external authority. Where possible, the University will seek the disclosing student's consent in the first instance. Further information can be found in the University's Safeguarding Policy.

- 7.3. Following a disclosure, the student will be given information about support provision at Keele, in the local area, and nationally. They will also be given information about reporting options. The University recognises that the student may require time to reflect before making a decision.
- 7.4. Where relevant to the circumstances of the case, SVLOs will signpost the local Sexual Assault Referral Centre (SARC), together with information on how to preserve evidence where appropriate. The SARC is based at Grange Park in Cobridge Community Health Centre.
- 7.5. Staff who receive a disclosure of SVM, whether it is historic or recent, and whether the accused is a member of the Keele community or not, should signpost students to Student Services, and/or staff to Human Resources at the earliest opportunity. If staff receive a disclosure, they must not under any circumstances question the account that is given to them, as this is not the function of a first responder whose role is instead to provide a compassionate response and refer on to the appropriate service/s.

### Report

- 7.6. The student disclosing SVM may choose to make a formal report to the University under Regulation B1. The University recognises the importance of supporting students to make their own, informed decision about whether making a formal report to the University is right for them; the University will provide guidance to the student about the investigation and disciplinary process, what to expect, what will be required of the student, as well as the advantages and limitations. To confirm their decision, a Reporting Student will be asked by the Investigating Officer to complete a statement and sign it to say they wish the University to investigate.
- 7.7. A Report cannot be investigated if the Reporting Student does not wish the substance of the allegation, including their identity, to be made known to the Accused Student.
- 7.8. The investigation will be conducted by an Investigating Officer from the Student Discipline Team with the necessary experience and/or training to investigate this sensitive issue.
- 7.9. When the University is made aware of a potential or confirmed report of SVM, it will normally be necessary to conduct a risk assessment under Regulation B1. The risk assessment is conducted by the Risk Assessment Panel (RAP) and further details on membership and operation can be found in Regulation B1. The risk assessment may result in the application of temporary restrictions and/or exclusions in order to mitigate any identified risk. The University has a duty of care to both parties, and as such, temporary restrictions and/or exclusions may be necessary while the investigation is taking place, and normally remain in place until the process is brought to a conclusion. Temporary restrictions and/or exclusions are not presumptions of guilt and are subject to regular review. The primary reasons for any temporary restrictions and/or exclusions are:
  - To safeguard the health, safety and welfare of members of the University community;
  - To enable Reporting and Accused Students to continue to access their studies and student experience, where possible and appropriate.

Temporary restrictions and/or exclusions may include, but are **not** limited to:

- Restricted access to University buildings;
- Relocation to different accommodation;
- Temporary exclusion from a club or society;
- Temporary exclusion from conducting duties as a Student Ambassador, or other role where the student represents the University;
- A requirement that the Accused Student does not contact or communicate in any way with the reporting student.

Where the RAP has identified particularly high levels of risk, restrictions may include:

- Temporary exclusion from accommodation;
- Temporary exclusion from campus, subject to approval by the Deputy Vice-Chancellor;
- Temporary exclusion from studies, subject to approval by the Deputy Vice-Chancellor.

7.10. If the Accused Student's programme of study is covered by Regulation B5: Fitness to Practise and they are subject to action for an alleged or proven disciplinary offence, this information will be disclosed to their school, so that any implications regarding fitness to practise and professional registration can be considered.

#### University Investigation

- 7.11. The Investigating Officer will seek to gather evidence as to whether or not a breach of the University's SVM Policy and/or Regulation B1 has occurred. General information about discipline investigations and how they are conducted can be found in Regulation B1.
- 7.12. Before the investigation commences in full, the Investigating Officer will usually meet (separately) with the Reporting Student and the Accused Student to outline the investigation process, to explain the scope of the investigation and the disciplinary procedure, and to answer any questions the students may have.
- 7.13. During the first meeting with the Accused Student, the Investigating Officer will provide limited information about the allegation/s, as well as the identity of the Reporting Student. The Accused Student will be asked to provide a first response to the allegation/s in the form of a written statement, although they may decline if they feel they do not have sufficient information.
- 7.14. At each meeting with either the Reporting or Accused Student, the Investigating Officer will also conduct a welfare check, ensuring both parties are aware of the support options available to them at the University. Where the Investigating Officer identifies an immediate risk to the health and wellbeing of either party, they will escalate this in accordance with safeguarding policies and procedures.
- 7.15. Following the first meeting, the Reporting Student and Accused Student will attend separate interview meetings with the Investigating Officer where a detailed discussion

about the allegation/s and the supporting evidence will take place. More information about these meetings is given below.

- 7.16. The Accused Student will have further opportunities to respond to the case against them in writing, in response to the interview notes and/or transcription, and to the investigation report and evidence pack. They will have a further opportunity to present their account and challenge the evidence against them in person at any resulting Discipline Committee meeting.
- 7.17. Every effort will be made by the University to complete the investigation and disciplinary procedure 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 are likely to take longer than they do for other types of alleged misconduct. A proposed time-line should be discussed with both the Accused and Reporting students, and any changes or delays should be communicated to both parties, while taking appropriate account of confidentiality.
- 7.18. The Investigating Officer will act promptly and tactfully, observing appropriate levels of confidentiality at all times. The Investigating Officer will seek to provide a safe, comfortable and supportive environment in which to discuss the Report with the Reporting Student, Accused Student and any witnesses during investigation meetings. The Investigating Officer may consult external parties to seek specialist advice as required while maintaining confidentiality.
- 7.19. The purpose of an investigation interview is to provide each party with a full and fair opportunity to explain or present their account of events. Interviews will be conducted with sensitivity. All students meeting with the Investigating Officer will be provided opportunities for breaks during the interview should they be required.
- 7.20. A record of the interview will be kept in the form of a recording and/or notes and/or a transcription. If the interview is recorded, it may be summarised, partially transcribed, or transcribed in full. Transcription is normally conducted in-house, although occasionally, it may be necessary to send the recording to an external transcribing service. Further information about the recording of investigation interviews can be found in the [Student Discipline Procedure](#).
- 7.21. All students involved in the investigation process have the right to attend any meetings accompanied for support by a member of the University community, such as a current member of staff, a member of ASK in the Students' Union, or another current student as long as they are not a witness in the case. The person accompanying the student may not be a legal representative unless this has been formally authorised in advance by the Academic Registrar – see Regulation B1 and Student Discipline Procedure for further information. The student is expected to speak on their own behalf. The Investigating Officer will remind any accompanying supporter that they are bound by strict confidentiality.
- 7.22. The Investigating Officer will usually conduct an interview with the Reporting Student first; a copy of the notes and/or summary and/or transcription will be shared with the Reporting Student. If they wish to make additions or clarifications to the record, they will be able to do so in a separate document, and this will be included in the investigation pack. Once the interview is complete, the Investigating Officer will work with the Reporting Student to identify any witnesses or additional evidence which may be relevant to the case. The

Investigating Officer will normally collect this evidence before interviewing the Accused Student. If additional evidence is made available to the Investigating Officer after the interview meeting with the Accused Student, unless it requires a more urgent response, it will be made available to the Accused Student in the Investigation Report and Evidence Pack. If additional allegations against the Accused Student are reported after the investigation interview, it may be necessary to conduct a second interview with the Accused Student, or otherwise provide an opportunity to respond.

- 7.23. During the interview with the Accused Student, the Investigating Officer will ask the student to give their account of the alleged incidents and discuss in detail the evidence which has been collected. There will be a record of the interview and a copy of the notes and/or summary and/or transcription will be shared with the Accused Student. If they wish to make additions or clarifications to the record, they will be able to do so in a separate document, and this will be included in the investigation pack. Once the interview is complete, the Investigating Officer will work with the Accused Student to identify any witnesses or additional evidence which may be relevant to the case.
- 7.24. Witnesses will be asked to provide a written statement; occasionally, they may be asked to attend an interview meeting. Witnesses will be reminded that they must maintain strict confidentiality and that any evidence they supply must be shared with the Accused Student. It may be necessary for the Investigating Officer to invite witnesses to attend the relevant meeting of the Discipline Committee. The Accused Student will be able to invite witnesses to their meeting with the Discipline Committee, as set out in Regulation B1.
- 7.25. When available evidence has been collected, the Investigating Officer will prepare a report on their findings and submit it to the Head of Academic Quality and Student Conduct or nominee who will determine whether to dismiss the case, send it back to the investigating officer as a minor offence, refer it to a formal meeting of the Discipline Committee, or refer it for consideration by chair's action on behalf of the Discipline Committee.
- 7.26. Where a discipline investigation or procedure cannot be concluded before the Accused Student graduates or withdraws from their studies, the University may complete its procedures under this regulation by considering the case at a meeting of the Discipline Committee after the Accused Student has left the University, usually to determine whether they would be allowed to return to the University immediately or at a later date for further study. The University may alternatively record an open case against the Accused Student, to be resumed should they wish to return to the University at a later stage.

#### The Discipline Committee

- 7.27. With the exception of points 7.28 to 7.31, the Discipline Committee procedure and Appeals procedure for cases of SVM will follow the processes set out in Regulation B1.
- 7.28. Where the case is referred to a formal meeting of the Discipline Committee, at least two out of the three committee members will have received training on sexual violence and misconduct.
- 7.29. The University recognises that many cases involving alleged SVM are often complex and demanding for all parties. Where a case is referred to a formal meeting of the Discipline Committee, the investigation report and evidence pack will normally be shared with the Accused Student up to 14 calendar days in advance of the meeting, rather than the standard 7 calendar days.

- 7.30. The Reporting Student will be invited to attend the meeting of the Discipline Committee. While their attendance is encouraged, they do not have to attend if they feel it will have a detrimental impact on their health and wellbeing. As an alternative, they may submit an impact statement to be considered by the Discipline Committee. If the Reporting Student agrees to attend, arrangements can be made for this to be done remotely using Microsoft Teams or another online live video platform. Where the meeting of the Discipline Committee is to be held in person, the Reporting Student may attend in person if they wish. The Reporting Student may be supported to attend the meeting by a member of the Sexual Violence Prevention and Support Team, or another member of the Keele Community (a current member of staff or current student). The supporter will not normally be a witness in the case. The Reporting Student is expected to speak on their own behalf.
- 7.31. The Accused Student will be invited to attend the meeting of the Discipline Committee. The Accused Student has the right to be accompanied by a member of ASK in the Students' Union, or another member of the Keele Community (a current member of staff or current student). The accompanying party will not normally be a witness in the case. The Accused Student is expected to speak on their own behalf.

Annex A – [Guidance on Taking a Disclosure of Sexual Violence](#)

<b>Document Name</b>	Sexual Violence and Misconduct Procedure
<b>Owner</b>	Residence Life/Student Services
<b>Version Number</b>	1.0
<b>Equality Analysis Form Submission Date</b>	July 2021 and 8 <sup>th</sup> October 2021
<b>Approval Date</b>	27/Sep/2021
<b>Approved By</b>	University Executive Committee
<b>Date of Commencement</b>	13/10/2021
<b>Date of Last Review</b>	27/Sep/2021
<b>Date for Next Review</b>	Jun 2022
<b>Related University Policy Documents</b>	Bullying, Harassment and Victimisation Policy Statement - Students  Regulation B1 Student Discipline



	<p>Sexual Violence Policy Statement</p> <p>Student Procedure for conducting a Mutual Resolution Process for cases of Sexual Misconduct</p> <p>Regulation B5 Fitness to Practise</p> <p>Disciplinary and Appeals Procedure for Academic Staff</p> <p>Staff Disciplinary and Appeals Procedure</p> <p>Policy &amp; Procedure to Deal With Complaints Regarding Bullying, Harassment and Victimisation – Staff</p> <p>Dignity and Respect Framework</p> <p>Safeguarding Policy</p>
<p><i>For Office Use – Keywords for search function</i></p>	<p>Sexual, Violence, Misconduct, Staff, Students</p>