

## SEXUAL VIOLENCE AND MISCONDUCT POLICY

### 1. INTRODUCTION

**1.1** The University is committed to fostering a safe environment for all individuals to work, live and socialise, and will take reasonable measures to prevent and respond to incidents of Sexual Violence and Misconduct (SVM). The University promotes a culture of respect and provides services so that individuals can feel confident knowing that their concerns will be treated with sensitivity and care.

### 2. PURPOSE

**2.1** This Policy outlines the University's approach to preventing Sexual Violence and Misconduct (SVM), as well as how the University will respond to any reports of SVM. It is intended to ensure students and staff are aware of reporting and support routes, as well as comply with regulatory requirements under Condition of Registration [E6: Harassment and Sexual Misconduct \(Office for Students\)](#). The University also has a duty under the [Equality Act \(2010\)](#) to have due regard for the need to challenge unlawful discrimination, harassment and victimisation, and other conduct prohibited by the act.

### 3. SCOPE

**3.1** This Policy covers all incidents of sexual violence and misconduct (SVM) (see [Annex A](#) for definitions) and applies to all members of the University community, including students on higher education courses provided in any manner or form by, or on behalf of, the University (including, but not limited to, circumstances where the University is responsible only for granting awards for students registered with a partner institute). It also includes staff employed directly by the University, as well as any contractors, agency and title holders (i.e. honorary, visiting and emeritus), and volunteers working on campus or at any other University site (e.g. Clinical Education Centre, Guy Hilton Research Centre). Where necessary and for students studying at partner institutions or on placements, policies and procedures of other organisations may also apply. The University will liaise with relevant parties to ensure support and reporting options are in place.

### 4. POLICY

**4.1** The University is a diverse community, and we are committed to creating and sustaining an environment that upholds dignity and respect and is free from discrimination. This Policy forms part of that provision.

**4.2** The University is also committed to fostering an environment where students and staff feel confident to report incidents of Sexual Violence and Misconduct (SVM). In line with the [Office for](#)

[Students E6 Condition](#), Keele University have introduced an [online source of information](#) to ensure all University information related to condition E6 is easily accessible.

**4.3** The University recognises the importance of prevention activities, including education and awareness raising activities. The university will deliver campaigns and training for both staff and students with the aim of challenging harmful cultural norms around harassment, sex and relationships. This is in line with the [Office for Students Condition of Registration E6](#). For more information on training, resources and campaigns please visit the University's [information webpage](#).

## **5. UNIVERSITY COMMITMENTS AND EXPECTATIONS**

- We are committed to providing an environment which upholds dignity and respect and is free from discrimination.
- We are committed to providing a supportive environment where students and staff feel confident and empowered to disclose, will be listened to, and can understand the options available to them.
- We will deliver awareness raising campaigns regarding consent, harassment and SVM, ensuring students and staff are aware of support and reporting routes.
- We will ensure our awareness raising activities, policies and code of practice make clear that sexual misconduct is not tolerated.
- We will ensure individuals are supported to report sexual misconduct. This includes through external organisations such as the Police.
- We will ensure reported parties also have access to support, ensuring those who are alleged to have breached University Policy are treated fairly.
- We will respect the rights of the individual disclosing an instance of sexual misconduct to choose how to take forward a disclosure. In certain circumstances, such as where we have a safeguarding duty, we may disclose information to the relevant authorities such as the Police. A full assessment of risk will always be conducted in these circumstances. Further information can be found in the University's [Safeguarding](#) Policy.
- We will ensure all reports are carefully and sensitively addressed by trained staff members. For staff specifically involved in the subsequent process they will ensure that it is a transparent process and clearly communicated to all involved. They should adopt a trauma-informed and victim led approach and provide support to all students or staff involved in the process.
- We will ensure all parties involved in a case will be treated fairly and have access to appropriate support.
- We will raise awareness of appropriate support and organisations to support students and staff have been affected by SVM.
- We will provide students and staff with the tools to speak up and address inappropriate behaviour where it is safe to do so by providing training, accessible online resources and clear reporting channels.
- We will work preventatively to help students understand consent and will take an educative approach to tackling sexual violence and misconduct.
- We will never ask an affected staff member or student to sign a non-disclosure agreement in relation to SVM.

## 6. SUPPORT

**6.1** Sexual Violence and Misconduct can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Sexual violence and misconduct may take various forms which includes and is not limited to physical contact, posting of inappropriate material, verbal or written communication. Further examples can be found in Annex A. Experiences of SVM may intersect with other forms of harassment and discrimination.

**6.2** The University is committed to providing support to any member of our community regardless of how they identify. The University also has a bullying, harassment and victimisation policy for students and a dignity and respect policy statement and procedure for a member of staff to raise a complaint of bullying or harassment. Equality and diversity have been considered during the development of this policy and all protected characteristics have been taken into account within the equality analysis undertaken.

**6.3** The University has a range of support in place to ensure affected individuals can access the appropriate support based on their needs, see [Annex B](#).

## 7. INVESTIGATIONS

**7.1** The University will carry out all investigations into reports of SVM with diligence and sensitivity. All student disciplinary cases involving an allegation of SVM will be investigated under Regulation B1 following the process outlined in the [Student Non-Academic Discipline Code of Practice](#). Where appropriate allegations against staff members will be investigated in accordance with the [Sexual Violence and Misconduct Staff Procedure or appropriate Staff Disciplinary and Appeals](#) Procedure. Where information is raised by a student, further information can be found in the comprehensive single source of information.

## 8. CONFIDENTIALITY

**8.1** Confidentiality will be maintained, where possible, throughout the application of this policy and associated procedures and includes disclosure, reporting and investigative processes in recognition of the sensitive nature of SVM. As such, information will usually only be shared with relevant individuals/entities, who may be internal or external to the University, e.g. relevant University staff, counselling and mental health practitioners, witnesses, external experts from specialist agencies like Sexual Assault Referral Centres or the Police, with the agreement of the Reporting Party.

**8.2** In exceptional circumstances, including where a risk assessment finds that there is a risk of harm to a child or adult at risk, and/or a serious risk of harm to the reporting party and/or the wider community, the University may be bound by law to report the incident to a relevant external authority. Please see the [University Safeguarding Policy](#) and [Privacy Notices](#) for more information.

**8.3** Throughout all proceedings, the University will act in compliance with the UK General Data Protection Regulation (GDPR) and [Data Protection Act \(2018\)](#).

## 9. ROLES AND RESPONSIBILITIES

**9.1** If you wish to discuss this policy or its contents, appropriate contacts include the Head of Student Discipline Investigations, Head of Student Wellbeing or a member of Human Resources. Queries can be made through the following contact details -

Student Services – [student.services@keele.ac.uk](mailto:student.services@keele.ac.uk)

Human Resources – [hr.support@keele.ac.uk](mailto:hr.support@keele.ac.uk)

**9.2** Any member of staff or student who is witness to sexual violence or misconduct is encouraged to raise matters. This may be through the management line, personal tutor, Student Services or Report and Support. If the incident is ongoing and there is an immediate risk of harm, then the emergency services should be contacted on 999.

## 10. RELATED POLICIES AND PROCEDURES

[Regulation B1: Student Discipline](#)

[Code of Practice for Non-Academic Student Misconduct](#)

[Regulation B5: Fitness to Practise](#)

Domestic Abuse Policy

[Safeguarding Policy](#)

[Bullying, Harassment and Victimisation Policy](#)

[Dignity and Respect Policy Statement and Procedure for a Member of Staff to Raise a Complaint of Bullying or Harassment](#)

Epigeum Consent Training Module (available via the Keele Learning Environment)

[Disciplinary and Appeals Procedure for Academic Staff](#)

[Disciplinary and Appeals Procedure for Staff](#)

[Personal Relationships at Work Policy](#)

[Keele University Data Protection Policy](#)

[Keele University Privacy Notice](#)

## 11. REVIEW, APPROVAL & PUBLICATION

**11.1** This policy will be reviewed every three years by the departments of Student Support and Human Resources. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

**11.2** The policy will be stored within [Policy Zone](#).

## 12 DOCUMENT CONTROL INFORMATION

<b>Document Name</b>	Sexual Violence and Misconduct Policy
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<b>Related University Policy Documents</b>	See above
<i>For Office Use – Keywords for search function</i>	

## **Annex A Definitions**

### **Sexual Violence and Misconduct Definition**

‘Sexual misconduct’ means any unwanted or attempted unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic means and/or social media and includes, but is not limited to:

- a. sexual harassment.
- b. sexual assault; and
- c. Rape (definition included in the [Sexual Offences Act \(2003\)\)](#).

### **Types of behaviour which may amount to Sexual Misconduct include but is not limited to:**

- Unwelcome physical contact ranging from unnecessary touching, kissing to serious assault.
- Unwelcome attention or advances of a sexual nature.
- Sexually touching another person without their consent.
- Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature.
- Inappropriately showing sexual organs to another person (including images and/or videos).
- Repeatedly following another person.
- Recording and/or sharing intimate images or recordings of another person without their consent including altered images and/or recordings ‘deepfakes’.
- Arranging or participating in events or conduct which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, e.g. inappropriately themed social events or initiations.

### **'Harassment'**

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual Orientation

Gender reassignment and Sex are the legal terms under in the Equality Act. In addition, we choose these to include gender identity or gender expression more widely as well as gender transition.

**Harassment** is also defined as a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each.

These definitions of harassment also extend to include **harassment** of one individual by another individual. When assessing whether harassment has occurred, the University will consider:

- the perception of the person who is at the receiving end of the conduct;
- the other circumstances of the case;
- whether it is reasonable for the conduct to have the effect under scrutiny;
- if the person knows the conduct amounts to harassment of the other; or
- if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person.

#### Additional Definitions

- Complicity is any act that knowingly helps, promotes, or encourages any form of sexual misconduct by another individual.
- Retaliation may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under the Sexual Violence and Misconduct Policy, by any individual including both the responding party and the reporting party, as well as witnesses, friends, and relatives.
- Vexatious reporting involves the creation of persistent, unwarranted reports made under the SVM Policy, or a refusal to accept any reasonable decisions arising from the application of the accompanying Code of Practice to this Policy. Malicious reporting occurs when an individual shares allegations of SVM that the individual knows to lack a basis in fact.
- Consent is the agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed based on a previous sexual experience or previously given consent, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time before or during a sexual act.
- Freedom to consent: For consent to be present, the individual must freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance. Consent is not present when submission by an unwilling participant results from coercion, force, threat, intimidation or the exploitation of power.

- Coercion or Force includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.
- Capacity to consent: Free consent cannot be given if the individual does not have the capacity to give consent. An individual is incapacitated when asleep, unconscious, semiconscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may occur on account of a mental or developmental disability, or as the result of alcohol or drug use. Under English law, those under the age of 16 years do not have capacity to consent.
- Alcohol and/or Drug Use: Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of sexual misconduct, or for failing to obtain consent. If there is any doubt surrounding the capacity of any prospective participant, sexual activity must not take place.

The University recognises that there are potentially additional types of behaviour that will constitute a breach of Regulation B1 and the Sexual Violence and Misconduct Policy and which will therefore need to be considered under the relevant internal disciplinary regulations, although the frequency and likelihood of such breaches are likely to be low.



## **Annex B Support information**

### **B.1 Support Available to both Staff and Students:**

- Ability to report through a dedicated platform, Report and Support [reporting tool - Keele University](#)

### **B.2 Support Available to Staff**

- Staff can access support through Human Resources, Occupational Health and external specialist providers.

### **B.3 Support Available to Students**

- Sexual Violence Liaison Officers [Sexual violence and domestic abuse - Keele University](#)
- Advice and Support and Keele (Keele Students' union) [Advice & Support at Keele SU \(ASK\)](#)
- Reciprocal agreement with the University of Staffordshire Students' Union [Reciprocal-Agreement.pdf](#)
- [Counselling and mental health - Keele University](#)
- Student Assistance Programme [Health Assured - Keele University](#)
- Student Experience and Support Officers [Student experience and support - Keele University](#)

### **B.4 Support is also available through local and national services:**

- [Sexual Violence and Abuse - Staffordshire Women's Aid](#)
- [Domestic abuse support – Newcastle-under-Lyme Borough Council](#)
- [Find a support service | CSA Centre](#)
- [Rape and sexual assault - Victim Support](#)
- [Ascend Recovery Service - North Staffordshire Combined Healthcare Trust](#)