



## Student Sexual Misconduct Policy

Owner:	Director of Student Support Services
Reviewed by:	Student Life Committee
Approved by:	Senate (7 July 2021)
Review due date:	June 2022; June 2025; June 2027
Update history:	Senate (2018; 8 July 2020) June 2025

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## 1. Policy Statement

1.1 The University of Roehampton is committed to creating a working and learning environment that is safe and inclusive so that all members of the University community are able to achieve their full potential. It is important that all members of the University community act responsibly and treat others with respect in the interest of maintaining a safe environment conducive to learning, teaching and research and the enjoyment of a wider student experience. Therefore, the University is committed to promoting a culture in which no incidents of sexual misconduct are tolerated. All allegations will be handled sensitively and in a timely manner to ensure the preservation of a safe work and study environment. Accessing support following an incident of sexual misconduct is paramount. The Student Information Sheet provides all relevant information regarding support options available (Appendix 1). Staff who are reporting alleged incidents should refer to the [Bullying and Harassment Procedure](#).

1.2 Note: any reference to 'students' within this policy refers to both students and apprentices.

## 2. Principles

2.1 The University of Roehampton and Roehampton Students' Union are committed to creating a culture where acts that constitute sexual misconduct are well understood and regarded as unacceptable, in order to reduce the likelihood of their occurrence. Incidents which occur at Roehampton Students' Union events will be considered in conjunction with the University policies. The information about how to report incidents of sexual misconduct and the support available is accessible to students and staff online on the Nest, Staff portal and the University of Roehampton E6<sup>1</sup> website page.

2.2 In adherence with the Office for Students' Condition E6: harassment and sexual misconduct, the University of Roehampton has:

- created a single comprehensive source of information setting out the university's policies and procedures on subject matter relating to incidents of harassment and sexual misconduct, including intimate personal relationships between relevant staff members and students;
- taken steps to make a significant and credible difference in protecting students from any actual or potential conflict of interest and/or abuse of power;
- complied with the requirements of this condition in a manner which is consistent with the freedom of speech principles;
- committed not to include any restricting provisions in any contract formed or varied on or after the date the E6 condition took effect.

2.3 The University of Roehampton and Roehampton Students' Union will take every disclosure of sexual misconduct very seriously. If a member of the University community discloses an incident of sexual misconduct they will be provided with support and information regarding reporting an incident to the University and / or the Police, as well as details regarding Sexual Assault Referral Centres (SARCs) and the specialist medical and forensic services they provide. If a student reports an incident of sexual misconduct, regardless of severity, appropriate action will be taken if the student wishes to take this route. Alternatively, the student may only wish to access pastoral or specialist support which the University provides extensively and can signpost to externally. There is also the option to report anonymously on the Report and Support tool.

2.4 The University of Roehampton and Roehampton Students' Union will promote the understanding of consent across the university community, particularly in relation to the

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<sup>1</sup> <https://www.officeforstudents.org.uk/for-providers/student-protection-and-support/harassment-and-sexual-misconduct/condition-e6-harassment-and-sexual-misconduct/>

issue of capacity when an individual may have become incapacitated through alcohol or drug use. Understanding what behaviours constitute harassment and sexual misconduct, as well as understanding what informed consent is and how to be an active bystander, will be included in annual student training taking place during induction for new students, and re-enrolment for returning students, as well as during other campaigns and events throughout the year. Efforts will also be made to raise awareness of criminal law and the repercussions that occur following criminal acts involving sexual violence or harassment. The Bystander Intervention Project will work towards creating a safer environment for students and offer an additional mechanism for reporting and pastoral care.

2.5 The University of Roehampton and Roehampton Students' Union will work to provide clear, timely information to students about their reporting options in relation to incidents of sexual misconduct. Information about reporting can be found [here](#).

2.6 The University of Roehampton and Roehampton Students' Union will work to promote an understanding amongst members of the University that behaviour such as unwanted touching and groping may constitute a criminal offence which, if reported to the police, may result in arrest and prosecution. The University of Roehampton and Roehampton Students' Union will also work to promote an understanding of the University's expectations of student conduct and the repercussions within the organisation where these expectations are not met.

2.7 The University of Roehampton and Roehampton Students' Union will take suitable action in cases of suspected sexual misconduct. This may include taking disciplinary action against a student for a breach of the Student Code of Conduct. Students can formally report an incident to the University without reporting to the police.

2.8 The University of Roehampton and Roehampton Students' Union will actively encourage students who are the victims of sexual misconduct to disclose such incidents, ensuring a number of options for reporting are made available, including directly to a trained Sexual Violence Liaison Officer, who can provide trauma-informed support and guidance. We will create a culture where disclosing such incidents is sensitively and appropriately supported if the student wishes to disclose.

2.9 The University of Roehampton and Roehampton Students' Union will ensure that all staff understand their responsibilities to handle initial disclosures sensitively and refer or signpost students to appropriate specialist services.

2.10 The University of Roehampton and Roehampton Students' Union will collect relevant data to enable the monitoring of allegations of sexual misconduct. The University will keep this information securely and confidentially and in line with its Data Protection Policy and the Data Protection Act 2018. Data will be anonymised for reporting purposes.

### **3. Scope of Policy**

#### **3.1 The scope of this policy is:**

- to outline the approach for responding to student disclosures of sexual misconduct including the support available. Under this policy, all students who have experienced sexual misconduct will have access to internal specialist support, and be advised of external specialist services, regardless of where or when the incident(s) occurred or who the reported party may be. The same principle applies if the reported party is also a student.
- to outline the approach for students reporting incidences of sexual misconduct to the University where the reported party is a student or staff member.

3.2 This policy should be read in conjunction with existing policies. These include:

Student Code of Conduct, Student Disciplinary Regulations, Fitness to Study, Fitness to Practise, Student Complaints Policy and Procedure, Dignity and Respect Policy and

Safeguarding Policy (all can be accessed [here](#)), [Staff Disciplinary Procedure](#), [Staff Grievance Procedure](#).

## **4. Responsibilities**

4.1 All staff and students are required to comply with the terms of this policy.

4.2 When students enter into a contract with the University they agree to abide by the University's rules, regulations, policies and codes (collectively referred to as rules and regulations in the Contract) that are in force at any given time. These include in particular, rules and regulations relating to conduct and discipline; fitness to study; use of services and facilities and health and safety.

4.3 Staff are expected to abide by their conditions for service and the University's rules, regulations, policies and codes (collectively referred to as rules and regulations in this Contract) that are in force at any given time.

### **4.4 General definitions relating to sexual misconduct**

Sexual misconduct may be defined as any sexual act or attempt at a sexual act that is unwanted and without consent.

Sexual misconduct can take many forms and may include, but is not limited to, the following: rape, sexual assault by penetration and sexual assault, including groping, making unwelcome sexual advances, voyeurism, harassment including the following: stalking, catcalling, making sexualised comments (including jokes), asking intrusive personal questions and displaying or sharing sexual material. It also includes sending or sharing sexual or intimate material in a way that intends to cause or results in distress to an individual, sending sexually explicit emails, texts or other communications and includes stalking in person or online. Specific terminology is defined below.

AI-generated material: the use of AI to generate child sexual abuse material (CSAM) is on the rise. The possession or creation of such images constitutes a criminal offence under the Protection of Children Act 1978, the Criminal Justice Act 1988, and the Sexual Offences Act 2003, and will be treated by the University in the same way as other forms of CSAM.

**4.5 Sexual Harassment** is a form of sexual misconduct and may be defined as unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Sexual harassment can take place in person, or it can occur on social media or via any electronic mode of communication.

**4.6 Consent** is the decision to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of complaint. Consent is also person-specific and cannot be inferred from a person consenting with someone else. 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.

**4.7 Coercion** cannot be used to obtain consent. Coercion may include manipulation, threats, intimidation, or exploitation of a power imbalance to obtain or pressure someone into giving consent.

**4.8 Alcohol and/or Drug Use:** Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs affected the individual. Signs of incapacitation may include 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 from drug or alcohol consumption cannot be used as an excuse or justification for committing an act of sexual misconduct.

## **5. Steps which the University will take to seek to prevent sexual misconduct**

- 5.1 Students will be required to complete online training, focusing on understanding behaviors that constitute harassment and sexual misconduct and consent, annually during induction / re-induction.
- 5.2 Awareness campaigns will take place throughout the year.
- 5.3 Students in leadership positions will undertake further Bystander Training in addition to the training undertaken during induction, prior to commencing their role.
- 5.4 The Bystander Intervention Team will attend events to intervene where necessary and to provide an additional layer of support.
- 5.5 Security Staff will undertake Bystander Training.

## **6. Disclosing and reporting sexual violence**

- 6.1 Disclosure and formal reporting are separate actions that the reporting student may choose to take. A disclosure to a member of staff will lead to support and information on options for taking the allegation forward if the reporting student wishes to. If a student wishes to report to the University or the police, more formal processes will be followed.
- 6.2 The following section outlines the principles which underpin the disclosure and reporting of incidents of sexual misconduct at the University. Detailed guidance for students outlining reporting procedures is provided in Appendix 1.
- 6.3 Any student who discloses an allegation of sexual misconduct will be treated with respect and dignity. They will be listened to and provided with information about the support available to them.
- 6.4 A disclosure does not automatically result in a report to the University or the police being made. A report will only be made with the consent of the reporting student, except where there are reasonable grounds to believe either:
  - a) that there is a risk to the reporting student or other members of the University community, including placement providers, or;
  - b) that there is a risk to children or adults-at-risk. In this case, action may be taken without the reporting student's consent, such as informing the police for example.
- 6.5 Any student disclosing an allegation of sexual misconduct should be advised how to book an appointment with or speak to a Sexual Violence Liaison Officer, who can provide them with information on the support available and options open to them, including making a report to the police or to the University.

### **6.6 Students making a report about another student**

Where a reporting student considers that another student may have breached the Student Code of Conduct (see section 7.11 below), a report should be made to the University Secretary. The Wellbeing Team or Roehampton Students' Union can assist with a report being made. A student might also wish to report it anonymously through the Report and Support tool [here](#). The report will be considered under the provisions of the Student Disciplinary Regulations.

### **6.7 Students making a report about a member of staff**

Complaints about the behaviour of members of staff in relation to students should be referred to the University Secretary in line with the Student Complaints Procedure. The University Secretary will liaise with Human Resources to arrange an investigation and support.

### **6.8 Staff making a report about another member of staff**

Staff should refer to the formal procedure in the University's Grievance Procedure, which is based on statutory requirements for internal procedures. An employee who wishes to

formally raise a grievance against another employee should put their complaint in writing to HR, stating that they are invoking the grievance procedure. Guidance on the procedure to be followed is outlined in the [University's Grievance Procedure](#).

### **6.9 Staff making a report about a student**

Where a member of staff considers that a student may have breached the Student Code of Conduct (see section 8 below), a report should be made to the University Secretary or the Report and Support tool [here](#). The report will be considered under the provisions of the Student Disciplinary Regulations. The reporting member of staff will be offered support and advice from HR.

## **7 Sexual Misconduct and the Student Code of Conduct**

The University's Student Code of Conduct states that:

'Every student at Roehampton is expected to contribute to a community in which everyone can enjoy their university experience and reach their potential, whoever they are, wherever they are from and whatever their personal beliefs; a community in which everyone feels safe, accepted and valued, and where hard work and commitment are rewarded'.

The Student Code of Conduct prohibits behaviour that is violent, indecent, disorderly, threatening, offensive or inappropriate, and harassment, bullying and discrimination. The Student Code of Conduct also prohibits sexual misconduct specifically. Examples of sexual misconduct under the Student Code of Conduct may include, but are not limited to:

- Sexual intercourse or engaging in a sexual act without consent
- Attempting to engage in sexual intercourse or a sexual act without consent
- Making, taking and sharing private sexual materials of another person without consent
- Kissing without consent
- Touching inappropriately through clothes without consent
- Inappropriately showing sexual organs to another person
- Repeatedly following another person or unwanted surveillance
- Making unwanted remarks of a sexual nature
- Other behaviour which, if considered in the context of a criminal investigation, may constitute a sexual offence under law

Allegations of a breach of the Student Code of Conduct are normally considered under the University's Student Disciplinary Regulations. Students should make themselves aware of the full range of behaviour that is prohibited under the Student Code of Conduct.

## **8. Investigating a breach of the Student Code of Conduct under the Student Disciplinary Regulations**

8.1 A report that a student has breached the Student Code of Conduct will be considered in line with the [Student Disciplinary Regulations](#).

8.2 This section sets out the following general principles which will underpin the consideration of a report of sexual misconduct under the Student Code of Conduct. Where there is a conflict between this section and provisions in the Student Disciplinary Regulations, the Student Disciplinary Regulations will take precedence.

8.3 All members of staff involved in the consideration of a report of sexual misconduct will receive specialist training to ensure investigations are conducted from a trauma-informed perspective.

8.4 The University will normally postpone any consideration of any report under the Student Disciplinary Regulations where the same report is subject to investigation by the police or other authorities. The decision to begin, end, postpone or resume an internal investigation



will be taken by the University in line with the Student Disciplinary Regulations. Regardless of any external investigation, the University may take immediate precautionary action in line with the Student Disciplinary Regulations. Precautionary action might include suspension from the University, moving a student to another hall of residence, preventing them from entering social spaces or putting a no contact order in place between the reporting student and the reported student(s).

8.5 The University will provide regular updates on its progress in line with its obligations under the Data Protection Act 2018.

8.6 The University will consider a report of sexual misconduct in line with the overriding principles of fairness and natural justice. All students involved will be given the opportunity to make appropriate representations to the decision-maker. The reported student will normally be told the identity of the reporting student and of any witnesses. There is also the option to report it anonymously through the Report and Support tool. Anonymous reports will always be taken seriously. However, the University may be limited in the action it can take without sufficient detail. Students will still be offered access to support services even if an anonymous report is made.

8.7 All students who are involved in the consideration of a report of sexual misconduct under the Student Disciplinary Regulations will be provided with appropriate support, advice and guidance throughout the process. Students are entitled to bring the following people to any meeting held under the Student Disciplinary Regulations:

- A University Student Wellbeing Officer
- A registered student at the University
- An elected officer or employee of Roehampton Students' Union
- A member of the University Chaplaincy

8.8 The University will also take all reasonable steps to minimise the impact of the student disciplinary process on those involved. At no time will the reporting student and the reported student / party be required to have direct contact. Appropriate steps will be taken to ensure that the process is fair to all parties involved.

8.9 The University cannot determine whether a criminal offence has occurred. Any consideration of a report under the Student Disciplinary Regulations will be restricted to determining whether a student has breached the Student Code of Conduct.

8.10 Any decisions taken under the Student Disciplinary Regulations will be communicated promptly to those involved. As a result of data protection legislation, the reporting student may receive less information about the decision than the reported student but will receive details about the outcome. The reported student may appeal against a decision under the Student Disciplinary Regulations and the reporting student has a right to make a complaint if they feel that the University has not handled their complaint adequately.

## **9. Sources of Support**

9.1 If a student or staff member would like to report an incident to the police, there is guidance available online or they can call 101 for advice:

<https://www.met.police.uk/advice-and-information/rape-and-sexual-assault/how-to-report-rape-and-sexual-assault/>

A decision to report to the police can be supported by a Student Wellbeing Officer.

9.2 Sources of help students can access at the University:

[Wellbeing Services](#) including Student Wellbeing Officers and Counsellors

GP at the [Student Medical Centre](#).

The [Chaplaincy](#)

## **10. Complaints**

10.1 Students who consider that this policy, or any related regulation, policy or procedure, has not been implemented correctly by the University can make a complaint under the [Student Complaints Procedure](#).

## **10.2 Out of Hours Support and External Specialist Services**

### **For expert external advice on these issues:**

The Havens – Sexual Assault Referral Centre <https://www.thehavens.org.uk/> 24hr referral line **020 3299 6900**

Rape Crisis Centre – <http://www.rasasc.org.uk/> Daily helpline **0808 802 9999**

Victim Support – <https://www.victimsupport.org.uk/> 24hr support line **0808 168 9111**

Galop LGBTQ+ Support – <http://www.galop.org.uk/> daily helpline - **0800 999 5428**

Survivors UK support for Male, Trans and Non-Binary people – <https://www.survivorsuk.org/>  
Online webchat available

### **Out of Hours Support:**

**Police** 999 in an emergency

**Samaritans** 116 123

### **Roehampton Security**

(020 8392) 3104 or (020 8392) 3333 if an emergency.

### **College Wardens (emotional support)**

Students can request contact with a warden by calling security.



## Appendix 1

### Student Information Sheet: Reporting an Incident of Sexual Misconduct

The University of Roehampton is committed to addressing the issue of sexual misconduct and enforcing a zero-tolerance approach. Sexual misconduct is any unwanted sexual act (including rape and sexual assault). If you have experienced sexual misconduct, there is help available to you.

You can report the incident to a **Student Wellbeing Officer (SWO)**. All SWOs are also trained Sexual Violence Liaison Officers who will support you through the next steps that you want to take. Student Wellbeing Officers are trained to provide confidential advice and guidance about your options *whether you want to report it to the police or University or not*. If you decide to report it, Student Wellbeing Officers can provide a safe space on campus for the police interview to take place and can support you through the reporting process. If you decide to report it to the University, the Student Wellbeing Officer will provide support and guidance during this process as well. The Student Wellbeing Officer can also refer you to relevant organisations for additional specialist support; fast-track a referral to Counselling Services; and assist you in making alternative arrangements for your accommodation or academic surroundings. A same-day appointment can be arranged if you let us know what it is regarding.

You can report it to your Academic Guidance Tutor, Head of College, Flat Rep, Bystander Team or someone from the Students' Union. They will provide a listening ear and encourage you to meet with a Student Wellbeing Officer who can provide specialised support. They can write a summary of what you've told them so that you do not have to tell your story again.

#### Reporting to the police

Emergency call 999

Non-emergency call 101

What happens next will vary, depending on various factors including when the incident occurred, but may include:

- A police officer attending and taking an initial account
- possibly being taken to a Sexual Assault Referral Centre for a forensic medical examination.

Later, the police investigation will begin, and you will give a full statement (which is sometimes video recorded).

You may also be assigned a Specially Trained Officer (STO). The STO will facilitate your care from the initial report, through medical examination, interview and subsequent investigation. They will then identify and engage the most appropriate methods of support.

If you choose to report it straight to the police, we encourage you to inform a Student Wellbeing Officer so that confidential emotional support and practical support can also be put in place.

#### Retain and preserve evidence

In the event of a recent assault, it is recommended that you do not:

- use the lavatory or discard underwear or sanitary products
- wash, shower, bathe or shave
- wash your hands
- remove, wash, discard or destroy clothing worn or bedding and towels used at the time of the incident or after it
- drink or eat anything, including non-essential medication
- clean your teeth
- smoke; or
- disturb the scene or allow other people or animals to enter the area where the incident took place, where possible.

Where possible you should preserve non-physical evidence, such as relevant texts, social media messages and emails.

If you attend a Sexual Assault Referral Centre (SARC) or police station, it is important to take any underwear or clothing worn at the time of the incident with you in a plastic bag, if not being worn for the journey. The location of the incident should be made secure if possible.