**Sexual Misconduct - Policy (students)**

<table>
<thead>
<tr>
<th>Originator name:</th>
<th>Amy Knight / Craig Lowe</th>
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<tbody>
<tr>
<td>Section / Dept:</td>
<td>OSCAR(SSA) / Student Support Services</td>
</tr>
<tr>
<td>Implementation date:</td>
<td>Aug 2016</td>
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<tr>
<td>Date of next review:</td>
<td>Aug 2018</td>
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| Related policies: | Safeguarding Policies [www.surrey.ac.uk/currentstudents/ask/regulations/](http://www.surrey.ac.uk/currentstudents/ask/regulations/)  
Dignity at Work & Study Policy [www.surrey.ac.uk/policies/dignity_at_work_and_study_policy.htm](http://www.surrey.ac.uk/policies/dignity_at_work_and_study_policy.htm)  
Data Protection Processing Policy [www.surrey.ac.uk/policies/data_protection_policy.htm](http://www.surrey.ac.uk/policies/data_protection_policy.htm)  
Student Disciplinary Regulations [www.surrey.ac.uk/quality_enhancement/regulations/](http://www.surrey.ac.uk/quality_enhancement/regulations/)  
Staff Disciplinary Policy [www.surrey.ac.uk/surreynet/departments/human_resources/policies/](http://www.surrey.ac.uk/surreynet/departments/human_resources/policies/)  
Procedure for Complaints [www.surrey.ac.uk/quality_enhancement/regulations/](http://www.surrey.ac.uk/quality_enhancement/regulations/) |
| Policy history: | Created by Student Services and Administration in consultation with colleagues and the Students’ Union – July 2016 |

### Version History

<table>
<thead>
<tr>
<th>Version</th>
<th>Author</th>
<th>Revisions Made</th>
<th>Date</th>
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<tr>
<td>1</td>
<td>Amy Knight</td>
<td>First Draft</td>
<td>27 June 2016</td>
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<tr>
<td>2/3</td>
<td>Craig Lowe</td>
<td>Review, consultation, amends</td>
<td>12-20 July 2016</td>
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<td>Craig Lowe</td>
<td>Amends post working group</td>
<td>08 Aug 2016</td>
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<tr>
<td>5-7</td>
<td>Craig Lowe</td>
<td>Amends from OSCAR / Quality Enhancement and Standards</td>
<td>12 Sept 2016</td>
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### Approval History

#### Equality Analysis

<table>
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<tr>
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<th>Comments</th>
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<tbody>
<tr>
<td>1</td>
<td>Jo McCarthy-Holland</td>
<td>Member of working group meetings</td>
<td>03/08/16</td>
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### Committee Sign Off

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<tr>
<td>1</td>
<td>Executive Board Committee (or other)</td>
<td>17/11/16</td>
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# 1 Introduction

## 1.1 Purpose

1.1.1 The purpose of this policy is to provide an accessible and coherent approach for reporting and responding to allegations/incidents of sexual assault, rape or sexual harassment. (sexual misconduct) The aim of the policy is to ensure the University meets duty of care obligations to all students, staff and visitors.

All individuals have the right to live in an environment where they feel safe and are free from harm. The University of Surrey is committed to promoting a zero tolerance approach to sexual misconduct and providing a safe environment for students, staff and visitors and will respond appropriately to all reported incidents.

Any alleged incident will be subject to procedures which will seek to establish the veracity of the account and appropriately support those involved.

## 1.2 Scope

1.2.1 The scope of this policy is to provide outline information and recommend actions in relation to sexual misconduct involving registered students.

This policy should be read in conjunction with a suite of existing policies, see: [www.surrey.ac.uk/currentstudents/ask/regulations/](http://www.surrey.ac.uk/currentstudents/ask/regulations/)

These include;

Student Charter, Student Disciplinary Regulations, Regulations for Fitness to Study, Regulations for Fitness to Practise, Staff Disciplinary Policy, Procedure for Complaints, Dignity at Work and Study Policy, Health and Safety Policy, Sexual Orientation Policy, Trans Policy, Child Protection (Under 18) Policy.

Where incidents occur involving International Study Centre (ISC) students, students on professional training year (PTY) in the UK or abroad, or students living in private sector accommodation then different parties/procedures may be involved. (E.g. Staff from overseas institutions /Travel Safety Policies)

## 1.3 Equality Analysis

1.3.1 This policy has been assessed in relation to its impact on equality. In responding to allegations/incidents, all individuals should be treated with dignity and respect and attention sensitively given to any needs relating to the protected characteristics (Gender, Race, Disability, Age, Religious and Non-Religious Belief, Sexual Orientation, Gender Reassignment, Pregnancy and Maternity) of the people involved. This will be included in any training. Monitoring of incidents will take place over time to ensure the University is aware of any trends or patterns emerging involving particular groups of people and impact of this policy on those groups.

## 1.4 Definitions

1.4.1 **Authorised Person**

The individual responsible for investigating allegations (or criminally proven offences) of sexual misconduct, under the auspices of the Student Disciplinary Regulations.
Consent:
Section 74 of the Sexual Offence Act 2003 defines consent as 'if (s)he agrees by choice, and has the freedom and capacity to make that choice'.
(www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/consent)

Harassment:
Harassment can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. (www.cps.gov.uk/legal/s_to_u/stalking_and_harassment)

The Equality Act 2010 (S26) defines Harassment as occurring if
(1) A person (A) harasses another (B) if—
   (a) A engages in unwanted conduct related to a relevant protected characteristic, and
   (b) the conduct has the purpose or effect of—
      (i)violating B’s dignity, or
      (ii)creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

For a full definition see: www.legislation.gov.uk/ukpga/2010/15/section/26

Head of Student Support Services
The individual responsible for coordinating the University's response to reports of sexual misconduct. The Head of Student Support Services may delegate this role to nominated individuals.

Member of the University
Current staff and registered students at the University of Surrey.

OSCAR
The Office of Student Complaints, Appeals and Regulation.

Rape
Section 1 of the Sexual Offences Act 2003 states that the elements of rape are:
- (A) intentionally penetrates the vagina, anus or mouth of another person (B) with his penis;
- (B) does not consent to the penetration, and
- (A) does not reasonably believe that (B) consents

Rape is a crime of basic intent and drunkenness is not considered a defence.
(www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/soa_2003_and_soa_1956/#a09)

Reporting Party
The individual who has been the victim of alleged (or criminally proven) sexual misconduct or any other individual(s) if the reporting party is not the alleged victim.

Responding Party
The individual who a reporting party has alleged to have committed sexual misconduct (or has been found guilty of an offence of this nature in a court of law).
Sexual Assault
Section 3 of the Sexual Offences Act 2003 states that elements of the offence of sexual assault are:

- A person (A) intentionally touches another person (B)
- the touching is sexual
- (B) does not consent to the touching, and
- (A) does not reasonably believe that (B) consents.


Zero Tolerance
An approach which responds to all reports of sexual misconduct, via proportionate investigation / action, in order promote a safe environment for students, staff and visitors. Incident outcomes for students are based on all available information.

1.5 Legislative context

1.5.1 Sexual Offences Act 2003
Equality Act 2010
Human Rights Act 1998
Health and Safety at Work Act 1974
Protection from Harassment Act 1997
CPS Guidance

1.6 Health & Safety Implications

1.6.1 The University has a duty under the Health and Safety at Work Act (1974) to ensure as far as reasonably practicable, the health and safety of its employees, students and visitors.

2 Policy

2.1 Principles

2.1.1 That the University maintains a zero tolerance approach and endeavours to create a culture in which incidents of sexual misconduct are minimised.

2.1.2 That all incidents of sexual misconduct are challenged.

2.1.3 That every report of sexual misconduct is responded to.

2.1.4 That there is no time limit for reporting incidents of sexual misconduct. However, it is accepted that the passage of time is likely to make it more difficult for action to be taken.

2.1.5 That an accessible and straightforward reporting mechanism is available.

2.1.6 That every effort should be made to provide reporting parties with confidence in the University's approach to responding to incidents of sexual misconduct.

2.1.7 That appropriate general support is available to all parties.

2.1.8 That counselling staff are available for specialist 1-1 support if needed.

2.1.9 The University is committed to working alongside the Students' Union and others to raise awareness of issues relating to sexual misconduct.

2.1.10 That records of reported incidents of sexual misconduct are maintained and reviewed.

2.2 Procedures

2.2.1 Refer to the Sexual Misconduct Policy (students) supporting procedures document at: www.surrey.ac.uk/currentstudents/ask/regulations/
# Governance Requirements

## 3.1 Responsibility

### 3.1.1 Overall responsibility for the University’s approach to sexual misconduct involving students rests with the Vice Provost (Education & Students)

## 3.2 Implementation / Communication Plan

### 3.2.1 Students:
- Warden talks, Welcome to Surrey talks, Surrey Student Social Media, Student Support Services web pages, Programme Handbooks, Mentor training, Residents Guide, Students’ Union web pages, Students’ Union awareness raising campaigns.

### 3.2.2 Staff:
- Leaders Alerts, Student Support Service website, Policies web pages, Personal Tutor training, Student Experience Sub-Committee, E&D Committee.

## 3.3 Exceptions to this Policy

### 3.3.1 The University is committed to providing a safe environment for students, staff and visitors and adopts a zero tolerance approach to incidents of sexual misconduct. There are no exceptions.

## 3.4 Supporting documentation

### 3.4.1 Refer to the Sexual Misconduct Policy (students) supporting procedures
[www.surrey.ac.uk/currentstudents/ask/regulations/](http://www.surrey.ac.uk/currentstudents/ask/regulations/)