# Sexual misconduct policy (students) - Supporting Procedures

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<tr>
<td><strong>Section / Dept:</strong></td>
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**Related policies:**
- Sexual Misconduct Policy (students)
  [www.surrey.ac.uk/currentstudents/ask/regulations/](http://www.surrey.ac.uk/currentstudents/ask/regulations/)
- Safeguarding policies (item 20)
  [www.surrey.ac.uk/currentstudents/ask/regulations/](http://www.surrey.ac.uk/currentstudents/ask/regulations/)
- Dignity at Work 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)
- Student Disciplinary Regulations
  [www.surrey.ac.uk/quality_enhancement/regulations/](http://www.surrey.ac.uk/quality_enhancement/regulations/)
- Procedure for Complaints
  [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/)

**Policy history:**
Created by Student Services and Administration in consultation with colleagues and the University of Surrey Students' Union – July 16
## 1 Introduction

### 1.1 Purpose

This document sets out University procedures relating to incidents of sexual assault, rape and sexual harassment (sexual misconduct) involving students. The purpose of these procedures is to ensure the fair treatment of the reporting and responding party.

### 1.2 Policy

See the Sexual Misconduct Policy (students).

## 2 Procedures

### 2.1 Reports received by members of the University

#### 2.1.1 Reports received by members of the University

Reports of sexual misconduct involving staff, students or visitors could be received by any member of the University (staff or student). Consideration should be given by the person receiving the report as to whether the reporting party, or any other individual(s) is at risk of immediate and/or serious harm. All incidents are notifiable to allow risk assessment and the provision of support.

#### 2.1.2 If it is reasonably believed that imminent and/or serious harm is likely

If it is reasonably believed that **imminent and/or serious harm is likely**, Security Services should be notified immediately by dialling 01483 68(3333). It may be necessary for the caller or Security to also contact the police or ambulance service by dialling 999.

If it is reasonably believed that **imminent and/or serious harm is unlikely**, the reporting party may still be advised to consider reporting the matter to the police.

#### 2.1.3 The reporting party should be advised that the matter will be notified to the Head of Student Support Services (Tel: 01483 68 2221) (or their nominee) and Head of Security (Tel: 01483 683333) (or their nominee) for review under the Sexual Misconduct Policy (students).

No information will be shared further without the reporting party’s consent, unless an exception to data sharing and confidentiality requirements exist. For example the reporting party or other individuals are at risk of harm to self or others, see the data processing statement. Basic details of each report (which do not identify the reporting or responding party) will be retained.

A duty of care and confidentiality is owed to both the reporting and responding party and other students, staff and visitors to campus. Care will be taken to accurately capture the intent of the reporting party with regard to whether they wish University action to be taken or the matter to be reported to the police.

#### 2.1.4 A copy of the Sexual Misconduct Policy (students) will be available to the reporting party.

#### 2.1.5 The University will respond to anonymous reports, or reports from third parties, on a case-by-case basis. However such anonymity may make it more difficult for action to be taken.

### 2.2 Reports received via the online reporting tool

#### 2.2.1 An online form exists for the reporting of incidents, with or without contact details, at
Relevant incidents (anonymous or with contact details) will be referred to the Head of Student Support Services and Head of Security (or their nominees), in order for action to be considered in line with this procedure.

For urgent incidents a telephone report should be made by dialling 01483 68(3333) or 999.

| 2.2.2 | The Head of Student Support Services and Head of Security will assess risk in line with section 2.1.1 – 2.1.3. |
| 2.2.3 | The Head of Student Support Services and Head of Security will consider relevant actions under sections 3 & 4 of these procedures. |

2.3 Reports received by the University from the police

| 2.3.1 | Any reports of sexual misconduct involving students that are received from the police should be referred to Security Services by dialling 01483 68(3333). |
| 2.3.2 | **If the reporting party is a student**, the Head of Student Support Services will be notified of the matter and relevant actions considered, see section 3. |
| 2.3.3 | **If the responding party is a student**, the Head of Security Services will act as the Authorised Person in line with the Student Disciplinary Regulations (see section 4) and will consider the appropriateness of a Managed Exclusion Order. |
| 2.3.4 | **If the responding party is a member of the public**, the Head of Security Services will consider the appropriateness of a banning order. |
| 2.3.5 | **If the responding party is a member of staff**, the Head of Security Services will notify Human Resources who will take action in line with the Staff Disciplinary Policy. |
| 2.3.6 | **If the reporting/responding party is a child** (under 18) the University Safeguarding Officer (Head of Student Support Services) will review the incident with reference to the University Child Protection Policy. |

3 The role of the Head of Student Support Services (or their nominee)

| 3.1.1 | It is accepted that each incident of alleged sexual misconduct will be different and that an individual approach to responding to reports may be required. This will be considered on a case-by-case basis. The actions below will be considered standard actions in the majority of cases. |
| 3.1.2 | If the reporting party is a student the Head of Student Support Services ensures that they wish for action to be considered in line with the Sexual Misconduct Policy (students). See 2.1.3. |
| 3.1.3 | The Head of Student Support Services will check whether the reporting party has reported the matter to the police. The reporting party may wish for the Head of Student Support Services to report the matter to the police on their behalf. Requests will be considered on a case-by-case basis. |
| 3.1.4 | The Head of Student Support Services ensures that the reporting party receives advice about the preservation of evidence (if appropriate) (E.g. SARC, see 5.1.1) and that a copy of the Sexual Misconduct Policy (students) and/or advice leaflet has been made available to them. If the reporting party wishes they may be accompanied to meetings by a friend. The Head of Student Support Services will monitor the provision of University wide support. |
Advice will also be provided (where possible) regarding the extenuating circumstances procedure, temporary withdrawal process and support available from Personal Tutors and the Students' Union.

3.1.5 Consideration will be given to the appropriateness of providing alternative University accommodation for the reporting party and responding party. This could be on a temporary or permanent basis, on or off campus.

3.1.6 The Head of Student Support Services will maintain records of incidents, but does not investigate or gather evidence. A summary report which outlines incidents of sexual misconduct will be made annually to the Student Experience Sub Committee, with a copy sent to the Equality and Diversity Office.

3.1.7 **If the responding party is a student,** the Head of Student Support Services ensures that the matter is referred for investigation by an Authorised Person in line with the Student Disciplinary Regulations - see section 4.

The responding party will also be referred to the support services outlined in section 5 and a copy of the Sexual Misconduct Policy (students) will be made available.

The Head of Student Support Services will monitor the on-going provision of support services. Advice will be provided (where possible) regarding the extenuating circumstances procedure, temporary withdrawal process and of the advice and support available from personal tutors and the Students' Union.

The Head of Student Support Services liaises with the Head of Security regarding the appropriateness of Managed Exclusion Order (see section 4)

3.1.8 **If the responding party is a member of staff,** the Head of Security Services or Head of Student Services will notify Human Resources, who will then take action in accordance with the Staff Disciplinary Policy.

3.1.9 **If the responding party is a member of the public,** the Head of Student Support Services refers the matter to the Head of Security Services who will consider the appropriateness of a banning order.

3.1.10 The Head of Student Support Services should ensure that any other members of the University involved in the matter (e.g. witnesses) are made aware of the support services outlined in section 5.

3.1.11 The Head of Student Support Services will involve other relevant departments (e.g. marketing and communications) as appropriate in order to properly respond to incidents.

### 4 Investigation and outcomes when the responding party is a student

#### 4.1 Investigation

4.1.1 If the responding party is a student, the Head of Security Services (or their nominee) normally acts as the Authorised Person in accordance with the Student Disciplinary Regulations and investigates the matter as appropriate.

4.1.2 If the matter has been reported to the police, the Authorised Person should confer with the relevant authority. If in such a matter it is stated to the University that to continue with its internal procedures would hinder or prejudice an investigation by the police, or criminal legal action, the University would normally stay its own internal disciplinary action until advised that it is appropriate to proceed.

4.1.3 The Authorised Person reserves the right to refer the matter to the police if it is assessed at any point that the reporting party and/or other individuals are at risk of harm to self or from others. This would usually be discussed with the reporting party.
4.2 Outcomes for students

4.2.1 Once the Authorised Person has completed their investigation; a sanction may be issued or the matter may be referred to OSCAR for consideration under the Student Disciplinary Regulations, Fitness to Study Regulations or Fitness to Practice Regulations. It is possible that no further action will be taken.

4.2.2 Disciplinary Panel hearings are conducted in accordance with the Regulations for Hearings by Panel, possible outcomes include expulsion, suspension and exclusion. The reporting party does not have the right to appeal the outcome of disciplinary action against the responding party.

4.2.3 Under the Data Protection Act the University may only share personal data with the consent of the data subject, unless there is a stated exception, see: www.surrey.ac.uk/information-management/data-protection/applicants-students-alumni

If in any proceedings in which an individual is involved, they request access to such data as being relevant to the proceedings, the individual should be referred to the Information Compliance Team (www.surrey.ac.uk/information-management) who will advise them of what steps they will need to take.

5 Support services

5.1.1 The University recognises the significant physical and mental harm to individuals and the community which can arise from sexual misconduct. There are a range of internal and external support services available:

University support services include:
- Student Health Centre – Guildowns NHS Medical Practice, www.guildowns.nhs.uk University Court, Stag Hill Campus, GU2 7XH. T: 01483 409309.
- Centre for Wellbeing - www.surrey.ac.uk/currentstudents/wellbeing/health T: 01483 689498
- Wardens - www.surrey.ac.uk/currentstudents/accommodation/wardens
- Student Life Mentors - www.surrey.ac.uk/currentstudents/accommodation/mentoring
- Students' Union - www.ussu.co.uk
- The Chaplaincy - www.surrey.ac.uk/currentstudents/wellbeing/faith
- Security Services - www.surrey.ac.uk/security/

External support services include:
- Surrey Police T: 999 (Emergency) or 101 (Non-Emergency)
- Surrey Sexual Assault Referral Centre (SARC) - www.solacesarc.org.uk/ Cobham Community Hospital, 168 Portsmouth Road, Cobham, Surrey, KT11 1HT Tel: 0300 130 3038
- Samaritans T:(free) 116 123 Email jo@samaritans.org 69 Woodbridge Road, Guildford, Surrey, GU1 4RD
- NHS Information, see www.nhs.uk/Livewell/Sexualhealth/Pages/Sexualassault.aspx
- Gov.uk Information - www.gov.uk/report-rape-sexual-assault
- Victim Support T:(free) 0808 16 89 111 www.victimsupport.org.uk/crime-info/types-crime
- GALOP (LGBT+) www.galop.org.uk/sexualviolence/

6 Room entry and search
### 6.1.1 Incidents of sexual misconduct

Incidents of sexual misconduct may require University staff to access [see 6.2/6.3] and/or prohibit student access to their accommodation during the period of a students' licence agreement. [see 2.3.3.]

A Duty Warden or a member of University Security has authority to enter a bedroom as part of the normal conduct of their day-to-day activities, which broadly include responsibility for student support; incident and crisis management; and maintenance of discipline, including disciplinary investigation, within the Residences.

It is recognised that there is a substantial difference between entering a room, and conducting a detailed search of that room, the latter being a more active and intrusive investigation. There are therefore different processes below, see 6.2.1 and 6.3.1.

### 6.2 Room entry guidance

#### 6.2.1

The following is a guide for the Duty Warden or Security when entry to a resident’s room is required (E.g. a suspected breach of the Conditions of Residence or welfare check):

1) Knock and identify yourself. If no reply, knock again before entering the room.
2) Conduct the business pertaining to the reason you entered the room.
3) Leave the top sheet of the Room Entry Notice (REN) and then exit the room, locking the door behind you. Copies (bottom sheet) of Duty Warden issued RENs go to the Senior Warden, copies of those issued by security go to the Head of Security. The middle sheet is retained by the person issuing it.

### 6.3 Room search guidance

#### 6.3.1

1) Prior to conducting a search of a bedroom, authorisation must be received from the Head of Security (or nominee) or the Head of Student Support Services (or nominee).
2) Searches of bedrooms can only be conducted by a minimum of two staff (in normal circumstances this would be a Security staff member and Duty Warden); and a minimum of two staff must be together in the room at all times until the search has concluded.
3) Only in circumstances where their presence would restrict the purpose of a search or put staff conducting a search at risk should searches be conducted without the resident present. (in which case a REN should be left)
4) It is recommended that protective gloves should be worn.
5) Photographs should be taken of all relevant evidence.

### 7.0 Post incident review

Following incidents of sexual misconduct a case review may be used to inform updates to this policy.