

Sexual Misconduct Procedure

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1. Purpose

- 1.1. All individuals have the right to live and work 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. This means that every Incident of Sexual Misconduct will be treated seriously, via proportionate investigation/action, in order to promote a safe environment for students, staff and Visitors. The University leadership is committed to fostering environments free from Sexual Misconduct and will ensure that managers and supervisors have the tools to address issues that arise, the effectiveness of which will be monitored within their faculties and departments.
- 1.2. Anyone can be subjected to Sexual Misconduct regardless of their sex, sexual orientation, relationship status, age, faith/belief, ethnicity, race or nationality. However, the University recognises that women disproportionately experience this type of misconduct. In all circumstances, Sexual Misconduct will never be tolerated. The University is committed to preventing and responding to all forms of Sexual Misconduct without exception. Proven Incidents may result in dismissal, expulsion and/or referral to the police.
- 1.3. The purpose of this procedure is:
 - to provide an accessible, coherent and fair approach for preventing, reporting and responding to Incidents of Sexual Misconduct;
 - to set out the expected behaviours of all Members of the University and Visitors;
 - to enact the University's zero-tolerance approach;
 - to prevent abuses of power and conflicts of interest (actual and perceived);
 - to provide clear reporting mechanisms for Sexual Misconduct;
 - to set out expected responses where Incidents of Sexual Misconduct are raised;
 - to ensure that the range of options and support is clear for everyone, including people who have experienced, witnessed or been accused of Sexual Misconduct.
- 1.4. This procedure should be read in conjunction with the University's staff and student policies, procedures, regulations, and codes. The following will be of particular relevance:

[Equality, Diversity and Inclusion Procedure](#)

[Harassment and Bullying Procedure](#)

[Trans and Gender Identity Procedure](#)

[Safeguarding Procedure](#)

[Data Protection Policy](#) and [Data Protection Processing Statement](#)

[Acceptable Use Procedure](#)

[Information Sharing Procedure](#)

[Student Disciplinary Regulations](#)

[Sanctions Guidance for proven sexual misconduct \(Students\)](#)

[Regulations for Fitness to Practise](#)

[Procedure for Managed Exclusion Orders](#)

[Procedure for Complaints](#)

[Staff Grievance Procedure](#)

[Staff Disciplinary Procedure](#)

[Social Media Procedure \(Staff\)](#) and [Social Media Procedure \(Students\)](#)

[Public Interest Disclosure \(Whistleblowing\) Procedure](#)

- 1.5. Where Incidents occur involving Surrey International Study Centre (SISC) students, or students of a professional training year (PTY) in the UK or abroad, or part of an Exchange programme, then different parties/procedures may be involved. Advice should be sought from the Office of Student Complaints, Appeals and Regulation (OSCAR) in this instance (oscar@surrey.ac.uk). Support will be available to Members of the University regardless of what procedure applies.

2. Scope and Exceptions to the Procedure

- 2.1. Who does this procedure apply to?

- 2.1.1. This procedure applies, without exception, to all Members of the University, third parties and Visitors to the University.

- 2.2. What does this procedure apply to?

- 2.2.1. This procedure applies to conduct that constitutes Sexual Misconduct on University of Surrey campuses, off campus and online. Incidents raised under this procedure are not limited to University premises or teaching/working hours.

- 2.2.2. This procedure relates to:

- Incidents which have occurred during an individual's period of study, work and/or visit at the University of Surrey;
- applicants who have accepted an offer of employment or a place to study at the University; and
- in exceptional circumstances, the University may investigate allegations of conduct that occurred prior to the Responding Party becoming a Member of the University.

- 2.2.3. Consideration of an allegation of conduct that occurred prior to an individual becoming a Member of the University will only take place in exceptional circumstances and following approval from the HR Director (Staff) or Head of OSCAR (Students).

- 2.2.4. In deciding whether it is appropriate to consider conduct that occurred prior to an individual becoming a Member of the University, the University will consider:

- the severity of the alleged offence;
- whether leaving the matter unaddressed would impact on matters of safeguarding, fitness to practise, or on any obligations the provider has to professional or regulatory bodies in respect of the individual's character;
- the context of the conduct and its impact on the individual's relationship with the University;
- the strength and reliability of the evidence and the length of time that has elapsed and the effect of this on the reliability of any evidence to be considered;
- the impact on the individual of undergoing the relevant process.

3. Definitions and Terminology

Adult At Risk

An Adult At Risk is an individual (aged 18 years old or older) who:

- has needs for care and support,
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs, is unable to protect themselves against the abuse or neglect or the risk of it.

Authorised Person/Investigator

An Authorised Person/Investigator is the individual responsible for investigating Incidents of Sexual Misconduct, in accordance with the University's policies and procedures, most commonly, the *Staff Disciplinary Procedure* and the [Student Disciplinary Regulations](#).

Campus Safety Team

This team provides an effective, integrated, high-profile, security presence delivering a professional and responsible service.

Consent

The University adopts the following definition of Consent in accordance with [s74 of the Sexual Offences Act 2003](#): 'a person consents if they agree by choice and have the freedom and capacity to make that choice'.

Directly Affected Party

A Directly Affected Party is a person who is reasonably identified as:

- of particular significance in the context of an Incident, and
- likely to be directly impacted by a key decision made in respect of an Incident. A key decision is a decision whether to progress the case to the next stage of the University's processes (as applicable) or a decision as to the overall outcome of the University's processes.

Disclosure

A Disclosure is when an individual shares their experience, whether verbally or in writing, however, the individual may not necessarily want action to be taken. An individual making a Disclosure should be given time to make an informed choice about whether to make a Formal Report to the police, to the University or to both. A Disclosure is different to a Formal Report (see below).

Formal Report

A Formal Report is a way of officially lodging an allegation or allegations, to be followed up with potential action against a Responding Party. A Formal Report can be made to the police or to the University or to both. Where a Formal Report is made to the police, consideration will be given as to whether one or more criminal offences have been committed within the context of the criminal justice system. Where a Formal Report is made to the University, consideration will be limited to whether University internal policies, procedures or regulations have been breached. The University cannot and does not make a criminal legal finding. A Formal Report is different from a Disclosure (see above).

HR Business Partner

The individual responsible for assisting with investigations (or criminally proven offences) of Sexual Misconduct, in accordance with the [Staff Disciplinary Procedure](#).

Incident

This term is used to describe allegations, complaints, suspected behaviour and formal findings of Sexual Misconduct.

Intimate Personal Relationship

An Intimate Personal Relationship means a relationship involving one or more of the following:

- physical intimacy (including isolated or repeated sexual activity)
- romantic intimacy
- emotional intimacy

Managed Exclusion Order

A Managed Exclusion Order (MEO) is a way of managing the access of a student to University premises and services, as well as to University managed houses, for a specified period of no longer than 20 working days in the first instance (MEOs can be extended). A Managed Exclusion Order may involve measures to restrict an individual's contact with another individual or individuals. The granting of an MEO does not signify a view on the part of the University that the student has committed an alleged offence and is considered a neutral precautionary measure. See [Procedure for Managed Exclusion Orders](#).

Members of the University

Members of the University means current members of staff (including staff in University of Surrey subsidiaries and Surrey Sports Park staff), members of Council and students at the University of Surrey including (but not limited to):

- applicants to the University who have accepted an offer of a place of employment or study;
- those registered on the Foundation Year and award-bearing programmes delivered by the University; this includes new students who have been through the online registration process and have yet to complete the main registration process, and students on their Professional Training Year;
- those registered to study for the award of academic credit delivered by the University;
- those registered to study for non-credit bearing modules/courses and non-award-bearing programmes delivered by the University;
- those registered as a student with another organisation operating in collaboration with the University and using University facilities, for example, Surrey International Study Centre (SISC);
- those registered as a student participating in an exchange scheme;

OSCAR

OSCAR is the Office of Student Complaints, Appeals and Regulation.

Rape

The University adopts the following definition of Rape from [s1 of the Sexual Offences Act 2003](#):

‘A person (**A**) commits an offence if -

- (a) he intentionally penetrates the vagina, anus or mouth of another person (**B**) with his penis,
- (b) **B** does not consent to the penetration, and
- (c) **A** does not reasonably believe that **B** consents.

Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps **A** has taken to ascertain whether **B** consents.’

Reporting Party

A Reporting Party is a person(s) who has, formally or informally, made one or more allegations of Sexual Misconduct to the University. A Reporting Party could be a person who has been subject to the Sexual Misconduct themselves, or a person who witnessed, or has been made aware of, Sexual Misconduct, but was not personally subject to it.

Responding Party

A Responding Party is a person(s) whose conduct is alleged to have amounted to Sexual Misconduct.

Sexual Assault

The University adopts the following definition of Sexual Assault from [s3 of the Sexual Offences Act 2003](#):

A person (**A**) commits an offence if –

- (a) They intentionally touch another person (**B**),
- (b) The touching is sexual,
- (c) **B** does not consent to the touching, and
- (d) **A** does not reasonably believe that **B** consents.

Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps **A** has taken to ascertain whether **B** consents.

Sexual Harassment

The University regards conduct that falls within either or both [s26\(2\) and s26\(3\) of the Equality Act 2010](#) as Sexual Harassment (see 4.8 below).

In relation to Sexual Harassment, this procedure should be read in conjunction with the University’s [Harassment and Bullying Procedure](#).

Sexual Misconduct

Sexual Misconduct is conduct, or attempted conduct, that is directed at a person without (and in some circumstances with) their consent and which is of a sexual nature. This includes but is not limited to:

- Sexual Harassment (as defined by [s26\(2\) and s26\(3\) Equality Act 2010](#))
- Sexual Assault (as defined by [s3 Sexual Offences Act 2003](#))
- Rape (as defined by [s1 Sexual Offences Act 2003](#))

This includes misconduct through any medium, for example online. In some circumstances, conduct or attempted conduct that is wanted may still constitute Sexual Misconduct. For example, having consensual sexual intercourse in a public place.

Sexual Violence Liaison Officer (SVLO)

A Sexual Violence Liaison Officer (SVLO) is a member of staff who has undertaken specialist training to be able to provide proactive support and advice to Members of the University who have experienced sexual violence. SVLOs can help an individual to identify their options in relation to the support they would like to receive, either from within the University or from external organisations, as well as explaining their reporting options.

Visitor

Any person:

- present on University premises (including University managed houses), or
 - attending an off-campus University led event (including virtual events),
- who is not a Member of the University.

Procedural Principles

4. What is Sexual Misconduct?

- 4.1. Sexual Misconduct is conduct or attempted conduct that is directed at a person without (and in some circumstances with) their Consent and which is of a sexual nature.
- 4.2. Examples of Sexual Misconduct include but are not limited to:
- Promising resources or benefits in return for sexual favours
 - Upskirting (filming or photographing under a person's clothing without their Consent to capture images of their body and/or underwear)
 - Exposing sexual body parts to a person without their Consent
 - Arranging or participating in an event which may reasonably be assumed to cause degradation and humiliation that is sexual in nature
 - Posting intimate images of a person on social media without their Consent
 - Voyeurism (where a person, for sexual gratification, watches a person do a private act knowing that the other person would not Consent to being watched for that purpose. This can include using equipment such as a camera or mobile phone but can also involve simply watching an individual i.e. through a window for sexual gratification).
- 4.3. Please note, the University uses the legal definitions from the legislation cited above to make decisions and appropriately characterise conduct in relation to University processes only. The University cannot, and does not, make judgements as to whether alleged conduct constitutes a criminal offence. The decisions of the University are not legal rulings in this regard. In the event of police involvement, any determination as to potential criminal liability will be dealt with separately and externally via the criminal justice system. The University's internal investigations will be focused exclusively on whether a breach of internal regulations/procedure has occurred.

- 4.4. The University applies a different, lower standard of proof to that used by the criminal justice system. In matters of staff and student Sexual Misconduct, the standard of proof applied is that of the balance of probabilities. This means that the University will consider Sexual Misconduct to be proven if, on the evidence put forward, it is more likely than not that Sexual Misconduct took place.
- 4.5. In the initial stage of a staff or student Sexual Misconduct matter, the burden of proof lies with the University. This means that it is for the University to show that it is more likely than not that Sexual Misconduct took place. The burden of proof switches to the Responding Party if they appeal the outcome of the initial stage of the relevant process.
- 4.6. Consent
- 4.6.1. The requirement for Consent applies to each individual sexual act and to each individual participant in each individual sexual act. For example, an individual who has consented to touching should not be taken to have consented to intercourse.
- 4.6.2. Consent cannot be assumed on the basis of a previous occasion where Consent was given in relation to a sexual act. Consent cannot be assumed on the basis of Consent given to a different individual.
- 4.6.3. Even where Consent has been unequivocally given in relation to a sexual act, Consent may be withdrawn at any time, at which point, if the act continues, it becomes non-consensual. Non-consensual sexual acts constitute Sexual Misconduct.
- 4.6.4. If Consent is not valid, the act will not be consensual and will constitute Sexual Misconduct. Consent is not valid where an individual has been misled and/or deceived about what the sexual act involves. For example, where it is agreed that a condom will be used and an individual either lies that they have put a condom on when they have not, or an individual removes a condom without the agreement of the other party and continues the sexual act. The slang term for this is 'stealthing', however, this is likely to constitute Rape and will be treated as such by the University.
- 4.6.5. Freedom to make a choice in relation to Consent means being able to make a choice without being forced, threatened, intimidated or coerced by anyone into the decision. Intimidation can include the use of threats or misuse of power and authority over another person.
- 4.6.6. Capacity to make a choice in relation to Consent means being of legal age and being able to understand the decision to engage in sexual activity.
- 4.6.7. An individual cannot give Consent if they lack capacity. A person who is asleep or unconscious does not have capacity to give Consent. If an individual is intoxicated to the degree that they lack capacity, any Consent indicated by that individual will not be valid. Any sexual activity that follows involving that individual will be considered non-consensual and will be likely to constitute Sexual Misconduct.

- 4.6.8. In assessing whether an individual is intoxicated to the degree that they lack capacity for the purposes of giving Consent, typical signs include slurred or incomprehensible speech, unsteady manner of walking, combativeness, emotional volatility, vomiting and/or incontinence. It must be borne in mind that this is by no means definitive, and people manifest signs of incapacitation differently.
- 4.6.9. Where there is any doubt as to whether an individual has capacity to give valid Consent to sexual activity, no sexual activity should take place with that individual until there is no longer any doubt as to their capacity, and the individual has given their Consent.
- 4.6.10. Intoxication of the Responding Party is not a valid defence to an allegation of Sexual Misconduct.
- 4.6.11. Intoxication of the Reporting Party will not be a barrier to investigation of an Incident of Sexual Misconduct.
- 4.7. Where Sexual Misconduct involves Sexual Harassment
- 4.7.1. There may be circumstances where the alleged Sexual Misconduct involves, wholly or partly, Sexual Harassment. In these circumstances, the University's *Sexual Misconduct Procedure* should be consulted in conjunction with the *Harassment and Bullying Procedure*.
- 4.7.2. The University regards conduct that falls within either or both [s26\(2\) and s26\(3\) Equality Act 2010](#) as Sexual Harassment.
- 4.7.3. **A** sexually harasses **B** if-
- **A** engages in unwanted conduct of a sexual nature, and
 - the conduct has the purpose or effect of –
 - violating **B**'s dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for **B**.
- 4.7.4. **A** also sexually harasses **B** if-
- **A** or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
 - the conduct has the purpose or effect of –
 - violating **B**'s dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for **B**, and
 - because of **B**'s rejection of or submission to the conduct, **A** treats **B** less favourably than **A** would treat **B** if **B** had not rejected or submitted to the conduct.
- 4.7.5. In deciding whether the conduct has the effect referred to in 4.7.3 or 4.7.4 above, each of the following must be taken into account:

- the perception of **B**;
- the other circumstances of the case;
- whether it is reasonable for the conduct to have that effect.

4.7.6. Conduct that would fall within this definition would, for example, include **A** making sexually suggestive comments to **B** causing **B** to feel degraded and intimidated. It is important to bear in mind that each Incident of unwanted conduct will be fact dependent, and therefore, it is not possible to provide exhaustive examples.

4.7.7. Consideration of the effect of the conduct will include an objective assessment as to whether a reasonable person, in the same position as **B**, would be similarly affected.

4.7.8. If the unwanted conduct that forms the Sexual Misconduct allegation is considered not to fall within either the [s26\(2\) or s26\(3\) Equality Act 2010](#) definition of harassment, it may be considered whether the unwanted conduct constitutes any other form of misconduct including harassment or bullying within the [Student Disciplinary Regulations](#) or [Staff Disciplinary Procedure](#). This procedure should be read in conjunction with the [Harassment and Bullying Procedure](#).

4.8. Where Sexual Misconduct involves the internet

4.8.1. The University's zero-tolerance approach to Sexual Misconduct applies equally to conduct in all its forms by any Members of the University and Visitors, including that which occurs online.

4.8.2. This includes, but is not limited to, Sexual Misconduct via:

- social media platforms such as Instagram and Snapchat,
- instant messaging services,
- email (University account or otherwise),
- online collaboration tools such as Microsoft Teams or Zoom.

4.8.3. Examples of Sexual Misconduct involving the internet include, but are not limited to:

- sharing a photograph or film of any person's genitals with another person to cause distress (also known as 'cyberflashing'),
- sharing or threatening to share a private photograph or film which shows or appears to show another person in an intimate state without that person's Consent,
- sharing or threatening to share an AI-generated photograph or film which shows or appears to show another person in an intimate state without that person's Consent,
- threatening to share a photograph or film showing or appearing to show another person in an intimate state unless they meet a financial demand (financially motivated sexual extortion),
- sending another person unwanted sexual material, including messages of a sexual nature,
- engaging in inappropriate interactions of a sexual nature online (for example, via group chat or social media) that are targeted at a specific individual, whether or not that individual is a participant.

- 4.8.4. Where an allegation of Sexual Misconduct has a cyber/social media aspect, this procedure should be read in conjunction with the University's [Staff Social Media Procedure](#) and/or [Students Social Media Procedure](#) (as relevant).

5. Intimate Personal Relationships

- 5.1. Sexual Misconduct may occur in the course of an Intimate Personal Relationship between a student and member of staff (including a student acting in a staff capacity). This procedure should be read in conjunction with the [Code of Practice for Intimate Personal Relationships](#).

6. How can I report Sexual Misconduct?

- 6.1. Disclosures and Formal Reports of Sexual Misconduct involving Members of the University or Visitors may be made to any Member of the University. Consideration should be given by the person receiving the Disclosure or Formal Report as to whether the Reporting Party, or any other individual, is at risk of immediate and/or serious harm.
- 6.2. If it is reasonably believed that imminent and/or serious harm is likely, the Campus Safety Team should be notified immediately by dialling 01483 682002. It may be necessary for the caller or the Campus Safety Team to also contact the police or ambulance service by dialling 999. If it is reasonably believed that imminent and/or serious harm is not likely, the Reporting Party may still be advised to consider reporting the matter to the police.
- 6.3. Some members of staff are specifically trained to receive Disclosures and the University encourages individuals to make Disclosures to these persons whenever possible. Members of staff trained to receive Disclosures can be found in the following places (see reporting options for further details):
- [The Centre for Wellbeing \(students only\)](#)
 - [Campus Safety Team](#)
 - [Students' Union \(students only\)](#)
 - [OSCAR \(students only\)](#)
 - Human Resources Department (staff only)
 - [Sexual Violence Liaison Officers](#)
- 6.4. Anyone receiving a Disclosure should only take minimal information and refer immediately to an SVLO or police/specialist service with the consent of the Reporting Party.
- 6.5. There is no time limit for reporting Incidents of Sexual Misconduct to the University. However, the passage of time is likely to make it more difficult for action to be taken. Appropriate action will always be taken by the University.
- ### **6.6. Ways of reporting Sexual Misconduct**
- 6.6.1. Reporting to the Police

- 6.6.1.1. Reporting Parties are encouraged to review the Report + Support [website](#) which contains advice about how to report to the police. This includes information on the Sexual Assault Referral Centre (SARC), police procedures and important information on time limits in criminal cases and the preservation of evidence. It also contains information on anonymous reports via Crimestoppers.
- 6.6.1.2. Students who are convicted of criminal offences, regardless of whether the offence relates to the University, may be required to report these to the University in accordance with the [Procedure for Expulsions and Criminal Convictions](#). Students on some Regulated Courses (for example, those regulated by the Nursing & Midwifery Council (NMC) or the Health and Care Professions Council (HCPC) are also required to disclose charges and pending charges). It is the student's responsibility to seek advice, for example, from OSCAR, at the earliest opportunity.

6.6.2. Report + Support <https://reportandsupport.surrey.ac.uk>

- 6.6.2.1. Incidents can be reported to the University by submitting the online form. This website also offers direct help and guidance in confidence. Those who submit Formal Reports to the University with contact details will hear back within three University working days and receive advice and support. All submissions are treated impartially, with the appropriate level of investigation.
- 6.6.2.2. Report + Support is available 24 hours a day, allowing for a time and place that feels safest to the individual, with clear information about their options and signposting to appropriate support services for what they have experienced. The University monitors Report + Support during University working days between 09:00 and 17:00, Monday to Friday (only). It is not intended as an emergency response tool and response will not be immediate. In emergencies, the University's designated Campus Safety team can be reached 24 hours a day, seven days a week on 01483 682002.
- 6.6.2.3. The report may result in action being taken in line with a relevant procedure and/or support services being signposted.

6.6.3. Anonymous Reporting to the University

- 6.6.3.1. If a Member of the University has experienced Sexual Misconduct or is concerned that another Member of the University or Visitor has experienced Sexual Misconduct, they can report the concern anonymously using the following link: [Report+Support](#).
- 6.6.3.2. Visitors or third parties may also report concerns of Sexual Misconduct using the following link: [Report+Support](#).
- 6.6.3.3. The University appreciates that, for many reasons, people may not feel comfortable reporting and providing their details. Therefore, this online form allows anonymous reporting. These Formal Reports provide statistical information which is used to inform

the University's proactive and preventative work. This also allows the University to monitor issues across the University. With anonymous reporting, the University will not be able to offer direct advice and is unlikely to begin any formal processes. If the Formal Report is very serious, it may be forwarded to relevant parties, but there will be limits to the University's response.

- 6.6.3.4. Members of the University can arrange a confidential conversation before submitting a Formal Report by emailing the Report + Support team at reportandsupport@surrey.ac.uk. The team can then speak to the individual via email, Microsoft Teams or in person (whatever works best for the individual). It is important to note that if the team believes that the individual, or someone else is at risk of serious harm, then they may need to report that information to the University and/or the police.
- 6.6.3.5. Anonymous Disclosures can be made at any time and can be made alongside any of the listed actions within this procedure.
- 6.6.4. Contact the Campus Safety Team - campus-safety@surrey.ac.uk
 - 6.6.4.1. Incidents can also be reported to the Campus Safety Team. The Campus Safety Team can explain how to make a Formal Report and what support is available. The Campus Safety Team (male and female) are trained to receive Disclosures of Sexual Misconduct.
- 6.6.5. Contact the Office of Student Complaints, Appeals and Regulation (OSCAR)
 - 6.6.5.1. OSCAR coordinates investigations of reported instances of Sexual misconduct involving students. Students who wish to a Formal Report in relation to Sexual Misconduct may contact OSCAR via www.surrey.ac.uk/oscar. If appropriate, the Human Resources team and OSCAR will work together on cases involving both staff and students.
 - 6.6.5.2. Students may be both a student and a member of staff. Students may address complaints to OSCAR or use the [Staff Grievance Procedure](#) if appropriate. The University recognises the complexities in relation to these cases. The Doctoral College offers support and guidance to Postgraduate Research Students (PGR) students and has dedicated PGR staff to support enquiries.
- 6.6.6. Contact the Centre for Wellbeing (students only) <https://wellbeing.surrey.ac.uk/centre-for-wellbeing>
 - 6.6.6.1. The University's team of professional counsellors and mental health workers offers confidential support and can talk through how to make a Formal Report and what support is available. The team are trained to receive Disclosures of Sexual Misconduct. The Centre offers ongoing counselling, referral to specialists, trauma support and referral to specialist sexual assault services such as SOLACE.

- 6.6.7. Contact the Human Resources Department (staff only) <https://surreynet.surrey.ac.uk/staff-services/human-resources>

6.6.7.1. The HR Advisory Team will be able to advise and support colleagues across the University who have experienced or witnessed Sexual Misconduct. The Advisory Team will be able to guide on the most appropriate reporting route, provide information on what support can be accessed and signpost to the other support teams/departments within the University. Some members of the Human Resources team are trained to receive Disclosures of Sexual Misconduct.

- 6.7. What happens when an Incident of Sexual Misconduct involves the use of illegal substances?

6.7.1. Formal disciplinary actions or sanctions will not normally be imposed for drug possession and/or use by a Reporting Party where this is connected to Sexual Misconduct. Individuals may be provided with resources on drug counselling and/or education, as appropriate. This applies to any person who, in good faith, reports Sexual Misconduct or seeks medical assistance from the University or emergency services for themselves or another individual whose health or safety is at risk.

6.7.2. The same principle applies to other types of less serious misconduct engaged in by a Reporting Party in connection with cases of Sexual Misconduct.

6.7.3. Advice on specific circumstances can be provided by OSCAR and/or Human Resources prior to Disclosures or Formal Reports being made.

7. What happens when an Incident of Sexual Misconduct is raised?

7.1. Each Incident of alleged Sexual Misconduct will be different. The University will consider in each context, and on a case-by-case basis, the actions that are appropriate to address an Incident, depending on the circumstances in which it is raised.

7.2. Directly Affected Parties

7.2.1. Reasonable steps will be taken to inform a Directly Affected Party as to certain decisions relating to an Incident and the reasons for those decisions.

7.2.2. Where it is indicated that a reasonable and proportionate summary, in writing, of the outcome and the reasons for the decision will be provided, what is considered reasonable and proportionate will depend on the facts of the individual case and the Directly Affected Party's involvement. This determination will be made by the relevant OSCAR Case Manager/Human Resources manager/advisor or Campus Safety Team member as appropriate.

7.2.3. The determination as to who constitutes a Directly Affected Party in any given case will be made by the OSCAR Case Manager/Human Resources manager/advisor or Campus Safety Team member as appropriate.

- 7.2.4. Where there is a named Formal Report, the following will usually be considered to be a Directly Affected Party:
- the Responding Party;
 - the Reporting Party;
 - an eyewitness or eyewitnesses.
- 7.2.5. A Directly Affected Party may opt out of being informed of decisions they would otherwise be notified of. To opt out, the Directly Affected Party should contact OSCAR or Human Resources (as applicable). If no contact is made by the Directly Affected Party, it will be assumed that the Directly Affected Party wishes to be informed of the relevant outcome.
- 7.2.6. Communications with a Directly Affected Party will usually be sent via the individual's University email account, if a Member of the University, or the email address provided if otherwise. Where a Responding Party is a member of staff, Human Resources may communicate with them via the personal email address held in the University's records.
- 7.2.7. If an individual is not identified as a Directly Affected Party, and they wish to gain access to information pertaining to a case that has been administered, in full or part, by OSCAR or Human Resources, they may make a request to OSCAR or Human Resources (as appropriate) which will be considered on a case-by-case basis. An assessment will be made as to the potential risks/benefits to the Directly Affected Parties of sharing the requested information. This would be in accordance with relevant privacy notices, and normally in consultation with the Information and Governance team, if appropriate. Individuals can contact the Information and Governance team directly if they have any queries or concerns.
- 7.3. Where the Incident is or may be a police matter
- 7.3.1. If a matter has been reported to the police, the Authorised Person/Investigator, or Human Resources Business Partner/Advisor, should confer with the relevant authority. If it is advised that continuing with its internal procedures would hinder or prejudice an investigation by the police, or criminal legal action, the University would normally pause its own internal action until such time as the investigating body advises that it is appropriate to proceed. This may result in a delay before action can be taken by the University.
- 7.3.2. If a case is being considered under criminal proceedings, the University reserves the right to decide to suspend its investigation until any criminal investigation or judicial proceedings have been concluded. This may result in a delay before action is taken by the University.
- 7.3.3. A decision by the Police or Crown Prosecution Service (or other law enforcement agency as the case may be) 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 its own procedures. The University cannot make a determination on criminal guilt and its internal investigations will be focused exclusively on whether a breach of internal regulations has occurred. University procedures involve a lower standard of proof than criminal procedures. Where an individual has

been convicted of a criminal offence or accepts a police caution, the conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University. The University may then proceed to consider sanction under the relevant University internal procedure ([Staff Disciplinary Procedure](#), [Student Disciplinary Regulations](#), [Regulations for Fitness to Practise](#), [Procedure for Expulsions and Criminal Convictions](#)).

- 7.3.4. The University reserves the right to refer a matter to the police if it is assessed, at any point, that there is a safeguarding concern and/or that the Reporting Party and/or others are at risk of harm either to themselves or from others. This would usually be discussed with the Reporting Party and after giving due consideration to their wellbeing. In some circumstances, the interests of time and safety will not allow this.

7.4. Disclosures

- 7.4.1. Where a Disclosure has been made, the individual making the Disclosure will usually be given time to make an informed choice about whether to make a Formal Report to the police, to the University or to both. However, there may be cases where the individual making the Disclosure is assessed to be at risk of harm or there is a risk to others. In such circumstances, the University may refer the matter to police without prior consultation with the disclosing party.
- 7.4.2. If an individual makes a Disclosure but decides not to make a Formal Report to the University and indicates that they do not want the matter to be progressed, the University will assess whether, despite the indication given, the Incident requires further investigation. Factors for consideration when determining this include (but are not limited to):
- the ability to investigate without the involvement of the disclosing party including whether, and to what extent, there are identifiable and reasonable avenues for investigation;
 - the reasons given by the disclosing party for deciding not to make a Formal Report;
 - the potential impact, if any, on the disclosing party of investigating the matter without their participation;
 - whether Incidents of a similar nature involving the same Responding Party have been raised previously;
 - the nature and seriousness of the alleged conduct.
- 7.4.3. The outcome of this determination will either be that the Disclosure will be investigated, notwithstanding the views of the disclosing party, or that the Disclosure will not be progressed. There is no right of appeal in relation to this determination.

7.5. Anonymous Formal Reports

- 7.5.1. In relation to anonymous Formal Reports, the University's ability to progress the Formal Report will be limited. The University will assess whether, despite the anonymous nature of the Formal Report, it requires further investigation. Factors for consideration when determining this include (but are not limited to):

- the ability to investigate without the details of the Reporting Party, including whether, and to what extent, there are identifiable and reasonable avenues for investigation;
- the reasons given, if any, for making the Formal Report anonymously;
- whether allegations of a similar nature involving the same Responding Party have been raised previously;
- the nature and seriousness of the alleged conduct.

7.5.2. The outcome of this determination will either be that the Formal Report will be investigated notwithstanding its anonymous nature, or that the Formal Report will not be progressed. There is no right of appeal in relation to this determination.

7.6. Suspected Incidents

7.6.1. In circumstances where the University has not received a Disclosure or Formal Report but reasonably considers that there are grounds for suspecting that Sexual Misconduct has taken, or is taking place, consideration will be given as to how best to proceed.

7.6.2. Ordinarily, where the Responding Party is a student, OSCAR will make the determination as to how to proceed. Where the Responding Party is a member of staff, a Human Resources manager will make this determination. In instances involving members of the public, the Campus Safety Team will make the determination.

7.6.3. The outcome of this determination will either be that the suspected Sexual Misconduct will be investigated, or that it will not. There is no right of appeal in relation to this determination.

7.7. Named Formal Reports

7.7.1. If an individual makes a Disclosure followed by a Formal Report to the University or provides a Formal Report straight away and their contact details are provided, the Formal Report will be progressed. The way the Formal Report is progressed will depend on whether the Responding Party is a student, member of staff, third party, member of the public and/or Adult at Risk, as described below.

7.7.2. The Reporting Party will normally be invited to attend an initial meeting, the purpose of which is to establish how the Reporting Party wishes to proceed. The Reporting Party can indicate one or more of the following options:

- request that the University formally investigate the Incident. Informal resolution of allegations of this nature is not normally appropriate and will not normally be recommended;
- report the Incident to the police, if they have not already done so;
- initiate support via Centre for Wellbeing and/or external agencies;

- take no further action at this time.¹

- 7.7.3. Whilst the views of the Reporting Party will be taken into account, there may be instances where the Reporting Party does not support a formal investigation but the University proceeds with one, nonetheless. This will be addressed on a case-by-case basis.
- 7.7.4. Named Formal Reports where the Responding Party is a student (and police are not involved or police are involved, but the University can proceed with its own internal action):
- 7.7.4.1. Where a Formal Report is received by the University involving allegations against a student and the Reporting Party provides contact details, action will be taken in accordance with the [Student Disciplinary Regulations](#) or [Regulations for Fitness to Practise](#) (for students studying Regulated Courses).
- 7.7.4.2. The Formal Report will be investigated by an Authorised Person (normally a member of OSCAR) in accordance with the [Student Disciplinary Regulations](#). If the matter is progressed via the [Regulations for Fitness to Practise](#), OSCAR will appoint an appropriate Investigator. Investigations will be conducted by individuals independent of the parties concerned.
- 7.7.4.3. Consideration will be given by the Authorised Person or Investigator upon receipt of the report, in conjunction with OSCAR, as to whether a Managed Exclusion Order should be sought. The Responding Party has the right to appeal against the terms of a Managed Exclusion Order. The process to be followed is outlined in the [Procedure for Managed Exclusion Orders](#). An exclusion does not signify a view on the part of the University that the Responding Party has committed an alleged offence.
- 7.7.4.4. The Authorised Person/Investigator will conduct a proportionate investigation which will normally include making enquiries of relevant individuals. There will be timely communications with both the Reporting Party and the Responding Party.
- 7.7.4.5. Once the Authorised Person or Investigator has completed their investigation, a minor misconduct sanction may be issued. The Authorised Person/Investigator will record their decision, and the penalty imposed. The Authorised Person/Investigator will send a copy of the completed documentation to the Responding Party, one copy to OSCAR for its records, and retain a copy for their own records. The Responding Party may appeal against any findings or sanctions. The Reporting Party does not have the right to appeal such an outcome.
- 7.7.4.6. Reasonable steps will be taken to provide Directly Affected Parties with a reasonable and proportionate summary, in writing, of the outcome and the reasons for the Authorised Person/Investigator's decision. This will be provided within five University working days of the outcome being reached.

¹ The University reserves the right to refer a matter to the police if it is assessed at any point that the Reporting Party and/or others are at risk of harm to themselves or from others. This would usually be discussed with the Reporting Party.

- 7.7.4.7. The Authorised Person/Investigator may also find that there is insufficient evidence to support the allegation(s). In such cases, no further action will be taken. Neither the Responding Party nor Reporting Party has a right to appeal such an outcome.
- 7.7.4.8. If the Authorised Person/Investigator find that there is sufficient evidence to indicate that the misconduct may, if proven, constitute a major offence, then the matter may be referred for consideration by a Student Disciplinary Panel or Fitness to Practise Panel.
- 7.7.5. Student Disciplinary / Fitness to Practise Panel hearings
 - 7.7.5.1. Where a case proceeds to a Student Disciplinary/Fitness to Practise Panel hearing, the Responding Party is entitled to be accompanied at any such Panel hearing by a supporter (including a member of the Students' Union). The University's [*Procedure for hearings by Panel*](#) will apply. Where a Responding Party is asked to attend a Panel hearing or meeting, they will be given not less than five University working days' notice.
 - 7.7.5.2. Panel members will be independent of the investigatory process and are asked to declare any potential conflict of interest. One of the Panel members will be an elected representative of the Students' Union.
 - 7.7.5.3. Witnesses may be invited to attend the hearing, and this could include the Reporting Party. If the Reporting Party attends the hearing, measures can be put into place to safeguard this individual, for example, screening the witness from the Responding Party's view and prohibiting direct questioning of the witness by the Responding Party.
 - 7.7.5.4. Student Disciplinary Panel and Fitness to Practise Panel hearings are conducted in accordance with the [*Procedure for Hearings by Panel*](#). Possible outcomes include but are not limited to warnings, exclusion, suspension from studies, and expulsion.
 - 7.7.5.5. A Responding Party will be informed, in writing, of the decision and the reasoning for that decision ordinarily within five University working days of the outcome being reached. Full written reasoning will be provided to the Responding Party as soon as reasonably practicable. The Responding Party will be informed of their right to appeal against the findings of the Panel within the specified time limit. A Panel decision remains in force until the outcome of any appeal is known. The Reporting Party does not have the right to appeal such an outcome.
 - 7.7.5.6. Reasonable steps will be taken to provide Directly Affected Parties with a reasonable and proportionate summary, in writing, of the outcome and the reasons for the decision. This will ordinarily be provided within five University working days of the outcome being reached.
- 7.7.6. Named Formal Reports where the Responding Party is a member of staff (and police are not involved or police are involved, but the University can proceed with its own internal action)

- 7.7.6.1. Where a Formal Report is received by the University making allegations against a member of staff and the Reporting Party has provided contact details, action will be taken in accordance with the [Staff Disciplinary Procedure](#). Investigations will be conducted by individuals independent of the parties concerned.
- 7.7.6.2. A Human Resources Business Partner/Advisor will normally have an initial meeting with the Reporting Party. Within this meeting, the Reporting Party has the following options available to them (more than one option can be taken). The Reporting Party can:
- request that the University formally investigate the Incident. Informal resolution of allegations of this nature is unlikely to be appropriate and will not normally be recommended;
 - report the Incident to the police, if they have not already done so;
 - initiate support via the employee assistance programme (BHSF RISE) and/or external agencies;
 - take no further action at this time.²
- 7.7.6.3. Whilst the views of the Reporting Party will be taken into account, there may be instances where the Reporting Party does not support a formal investigation but the University proceeds with one, nonetheless. This will be addressed on a case-by-case basis.
- 7.7.6.4. To support all parties, neutral precautionary measures may be implemented (including, but not limited to, a 'no contact' instruction for both parties and boundaries within University academic units or service areas).
- 7.7.6.5. During the investigation, the investigating manager and HR Business Partner/Advisor will assess the risk, and this may result in the Responding Party being suspended from work in accordance with the [Staff Disciplinary Procedure](#). Suspension does not signify a view on the part of the University that the Responding Party has committed an alleged offence.
- 7.7.6.6. A procedure will be agreed for timely communications with both the Reporting Party and the Responding Party.
- 7.7.6.7. The Investigator, along with the Human Resources Business Partner, will decide if following the investigation, there is a disciplinary case to answer. This could result in no further action, an informal warning or the matter being referred to a Disciplinary Panel hearing. A Reporting Party does not have a right to appeal this decision.
- 7.7.6.8. Disciplinary Panel hearings are conducted in accordance with the [Staff Disciplinary Procedure](#). Should the outcome of the investigation be a referral to a disciplinary hearing, the Responding Party should be notified in writing of the date of the hearing with a minimum of 10 calendar days' notice.

² The University reserves the right to refer a matter to the police if it is assessed at any point that the Reporting Party and/or others are at risk of harm to themselves or from others. This would usually be discussed with the Reporting Party.

- 7.7.6.9. Disciplinary Panel members will be independent of the investigatory process and are asked to declare any potential conflict of interest.
- 7.7.6.10. Witnesses may be invited to attend the hearing, and this could include the Reporting Party. If the Reporting Party attends the hearing, measures can be put into place to safeguard this individual, for example, screening the witness from the Responding Party's view and prohibiting direct questioning of the witness by the Responding Party.
- 7.7.6.11. Possible outcomes of Disciplinary Panel hearings include no further action, first written warning, final written warning, and dismissal.
- 7.7.6.12. The Responding Party will be informed, if possible, verbally, of the decision and the reasoning for the decision of the Disciplinary Panel. In any event, the Responding Party will receive confirmation of the outcome, in writing, ordinarily within seven working days of the outcome being reached. Full written reasoning will be provided to the Responding Party as soon as reasonably practicable. The Responding Party will be informed of their right to appeal against any findings or sanctions. A Panel decision remains in force until the outcome of any appeal is known. The Reporting Party does not have the right to appeal such an outcome.
- 7.7.6.13. Reasonable steps will be taken to provide Directly Affected Parties with a reasonable and proportionate summary, in writing, of the outcome and the reasons for the decision. This will be provided ordinarily within seven University working days of the outcome being reached.
- 7.7.7. Named Formal Reports where the Responding Party is a third party (indirectly employed by the University/undertaking a service for the University)
- 7.7.7.1. Where the Responding Party is not directly employed by the University but has a connection to the University via their employment, the University will consider whether it would be proportionate in the circumstances to notify that employer and/or to end the working relationship with the individual or their employer. This will be treated on a case-by-case basis and normally after receiving advice from Human Resources and/or Governance and Risk Assurance support.
- 7.7.7.2. Examples of individuals who may fall into this category include, but are not limited to:
- contractors;
 - agency staff;
 - franchise staff and similar (e.g. Co-Op staff);
 - people who perform a service to the University away from the campus (e.g. a lecturer at an overseas University where a Surrey Student is on Exchange);
 - people who work for independent organisations with premises situated on the University campus.
- 7.7.7.3. Where the Reporting Party is indirectly employed by the University or is undertaking a service for the University, any Formal Report should be discussed with a member of the HR Advisory

Team or the lead University staff member. Formal Reports can also be made via [Report + Support](#).

- 7.7.7.4. Individuals are entitled to be informed of the outcome of a Formal Report of Sexual Misconduct where they are a Directly Affected Party. Reasonable steps will be taken to provide Directly Affected Party with a reasonable and proportionate summary, in writing, of the finding(s) and the reasons for the decision. This will be provided ordinarily within five University working days of the outcome being reached.
- 7.7.7.5. Where the University considers it proportionate to notify the Responding Party's employer and/or to end the working relationship with the individual or their employer, it will be for the employer to inform the Responding Party of this.
- 7.7.8. Named Formal Reports where the Responding Party is a member of the public
- 7.7.8.1. Where a Formal Report is received by the University of an Incident of Sexual Misconduct involving a member of the public and contact details have been provided by the Reporting Party, the Head of Campus Safety (or their nominee) will consider the appropriateness of a banning order.
- 7.7.8.2. The Head of Campus Safety will normally have an initial meeting with the Reporting Party. Within this meeting, the Reporting Party has the following options available to them (more than one option can be taken). The Reporting Party can:
- report the Incident to the police, if they have not already done so
 - initiate support via Centre for Wellbeing and/or external agencies
 - take no action at this time³
- 7.7.8.3. Directly Affected Parties will not normally be provided with details of the outcome of Incidents of Sexual Misconduct involving members of the public. This is because cases of this kind will only be progressed where the option to report the Incident to police is exercised. In such circumstances, the allegation(s) will become a police matter and requests for the details of any outcome should be directed to the police.
- 7.7.9. Formal Reports involving those under 18 years old and those considered Adults At Risk
- 7.7.9.1. Formal Reports involving those under 18 years old and those considered as Adults At Risk, will be referred to the Designated Principal Safeguarding Lead (DSL) who will review the Incident with reference to the University *Safeguarding Procedures*.

8. What support is available in relation to Incidents of Sexual Misconduct?

³ The University reserves the right to refer a matter to the police if it is assessed at any point that the Reporting Party and/or others are at risk of harm to themselves or from others. This would usually be discussed with the Reporting Party.

- 8.1. Sexual Misconduct may cause, for a Reporting Party, feelings such as humiliation, anger and anxiety. It is also acknowledged that to be accused of Sexual Misconduct is very serious and this can cause, for a Responding Party, feelings such as anxiety and concern. For everyone involved, if left unaddressed, there is a risk of harm to mental health and wellbeing in both the short-term and longer-term. Support services are available to all Members of the University where there is an Incident of Sexual Misconduct.
- 8.2. Support is available for all Members of the University regardless of whether a Formal Report is made and irrespective of the outcome of any investigation.
- 8.3. Everyone, whether students or staff, will have equitable access to internal and external support and they will each have a member of staff assigned to them during any formal proceedings to offer welfare and pastoral support.
- 8.4. Various academic support options are available to a student experiencing challenges to their academic engagement as a result of a Sexual Misconduct allegation. For example, extensions to assessment deadlines.
- 8.5. The Single Comprehensive Source of Information webpages contain extensive information on the variety of support (both personal and academic) available to anyone who is a party related to an Incident of Sexual Misconduct. The Single Comprehensive Source of Information should be consulted in conjunction with this procedure.

9. How can I complain if I am dissatisfied with how the University has handled an Incident involving Sexual Misconduct?

- 9.1. Any Member of the University who is dissatisfied with how the University has handled matters relating to Sexual Misconduct may be eligible to raise a complaint.
- 9.2. Student complaints are dealt with via the University's [Procedure for Complaints](#) which provides full details of the student complaints process.
- 9.3. Staff complaints are dealt with via the University's [Grievance Procedure](#) which provides full details of the staff complaints process.
- 9.4. Eligibility and time limits for raising complaints are outlined in the relevant policy/procedures detailed above.
- 9.5. Visitors or third parties may contact the University using the following link:
<https://www.surrey.ac.uk/visit-university/contact>

10. Training

- 10.1. For students, mandatory training on Sexual Misconduct is delivered as part of the student induction process and on annual re-registration. This includes information on Consent and Intimate Personal

Relationships (prohibited and otherwise). The University actively supports students to participate in training, but it is accepted that there may be situations where it is not beneficial for a student to participate. Opt-outs in these situations will be considered on a case-by-case basis.

- 10.2. For staff, mandatory specialist training on Sexual Misconduct is delivered to those likely to be involved in receiving Disclosures about Incidents of Sexual Misconduct, investigating such Disclosures or Formal Reports and/or making decisions.
- 10.3. Staff training includes information on Intimate Personal Relationships, prohibited and otherwise, information about appropriate professional boundaries, and the likelihood of harassment occurring within Intimate Personal Relationships.

11. What is the University doing to address Sexual Misconduct?

- 11.1. The University has taken the following steps to Sexual Misconduct. Please note, the following list is not exhaustive:
 - There are multiple ways to report Sexual Misconduct (more information on this available in the Single Comprehensive Source of Information).
 - Report + Support has been implemented to improve the ability of individuals to report Sexual Misconduct either anonymously or on a name basis.
 - The University has implemented robust policies and procedures to deal with Sexual Misconduct including, but not limited to, the [Student Disciplinary Regulations](#), the [Staff Disciplinary Procedure](#) and the [Grievance Procedure](#). Policies and procedures are also in place to provide academic support to students affected by an incident of Sexual Misconduct, via the [Regulations for academic appeals](#), [Regulations for support to study](#), [Regulations for extenuating circumstances](#) and the [Code of practice for temporary and permanent withdrawals: taught programmes](#).
 - Managers are required to implement the [Sexual Misconduct Procedure](#) in their area and ensure that all of their staff and students are aware of this procedure. There are no exceptions.
 - When Sexual Misconduct Incidents are raised, support functions are highlighted to the Reporting Party, Responding Party and any witnesses regardless of whether they are staff or students. Information relating to support is made clearly available via various mediums, for example, on Report + Support, in the [Sexual Misconduct Procedure](#), in the Single Comprehensive Source of Information and in person through managers and personal tutors. Support for both personal wellbeing and academic support is available.
 - Mandatory training and learning is provided to staff to set expectations of behaviour and for managers to be equipped to respond and support.
 - Anonymised records of reported Incidents of Sexual Misconduct are maintained and reviewed periodically by the University's senior leadership team to establish whether there are trends or patterns which require further measures. The University Council receives updates on the University's activities in relation to the prevention, reporting and response to Sexual Misconduct on at least an annual basis. This includes statistics on the type and number of Formal Reports made and how these were resolved.

- The University collaborates with the Students' Union and recognised Trade Unions to deliver a clear and consistent message that Sexual Misconduct is never tolerated. This includes work on campaigns and education.

11.2. The University will take the following steps to make a significant and credible difference to protect students and staff from behaviour that amounts to Sexual Misconduct:

- The University will continue to promote a zero-tolerance approach to Sexual Misconduct including through senior oversight and leadership;
- The University will work with its student population to understand and respond effectively to Sexual Misconduct in the University community;
- The University will collect, monitor and publish anonymised data in relation to Formal Reports of Sexual Misconduct and final outcomes to formal University proceedings as appropriate;
- The University will ensure it is sufficiently resourced to respond to Incidents of Sexual Misconduct;
- The University will implement clear procedures in relation to Intimate Personal Relationships which are strongly discouraged and, in certain circumstances, entirely prohibited;
- The University will implement regular University-wide campaigns and targeted actions to protect students and staff from behaviour that amounts to Sexual Misconduct;
- The University monitors the number and types of Incidents and the personal characteristics of Reporting and Responding Parties in cases of Sexual Misconduct to inform its overall strategy to deal with Sexual Misconduct.

12. Confidentiality/Information Sharing

12.1. The University collects information sensitively and treats it with appropriate confidentiality, irrespective of the mechanism used to raise an Incident of Sexual Misconduct. Throughout all proceedings, the University will act in compliance with data protection legislation. It may be necessary to share sensitive information in order to facilitate an investigation. Details of relevant privacy notices can be found here: <https://www.surrey.ac.uk/student-support-services-privacy-notice>.

12.2. Under data protection legislation, the University may share personal data with the consent of the data subject, unless there is a stated exception (see below). If, during any proceedings in which an individual is involved, they request access to such data as being relevant to the proceedings, the individual may be referred to the "Make a Privacy Request" web form at: <https://www.surrey.ac.uk/information-governance/make-privacy-request>.

12.3. In exceptional circumstances, information may be shared with appropriate authorities, including external entities (e.g. Police, Social Services), without the consent of the data subject. This includes, but is not limited to, where it is necessary to protect the vital interests of the data subject and/or where a safeguarding concern has been raised. This may include information of a personal and/or sensitive nature. With respect to safeguarding concerns, this would normally be in consultation with a member of the University's Safeguarding Team.

- 12.4. Information, including that of a personal and/or sensitive nature (special category data), may be shared between members of University staff, and/or members of staff of the Surrey International Study Centre (SISC), and/or other appropriate authorities/institutions, where there is an appropriate lawful basis for the sharing and it is deemed necessary, in order to facilitate the effective functioning of the University's policies and procedures, and/or to ensure the safety of members of, and Visitors to, the University, in accordance with relevant privacy notices.
- 12.5. A failure to appropriately respect confidentiality and/or data protection requirements could result in disciplinary action being taken against that individual.
- 12.6. Anonymised aggregated information concerning Student Disciplinary, Fitness to Practise, or other student/staff casework, may be shared publicly, and/or form part of training exercises, where such information is considered to be of wider interest or relevance. This would be in accordance with relevant privacy notices, and normally in consultation with the Information and Governance team, if appropriate.

13. Governance Requirements

13.1. Implementation: Communication Plan

This procedure will be communicated in a variety of ways:

- The Single Comprehensive Source of Information
- SurreyNet launch
- A Leader's Alert
- Inclusion at Staff Induction
- Referenced in the Staff Handbook
- Process infographics and video case studies to be produced for students and staff to 'demystify' and instill confidence in process.
- Data will be gathered, monitored and used to address ongoing concerns and ensure effectiveness of procedures. Mechanisms include: Annual Report and Support report <https://reportandsupport.surrey.ac.uk/support/analysis-of-report-support-submissions>; EDI dashboard including a Sexual Misconduct KPI; Staff survey data (quantitative and qualitative monitoring); Equality networks/Union/FEDIC feedback.

13.2. Implementation: Training Plan

Training and learning will be provided for all staff and students to set expectations of behaviour and for managers to equip them to respond and support. The principles of this procedure will be embedded within the following training:

13.2.1. Staff training:

- Understanding Harassment and Sexual Misconduct
- Appropriate professional boundaries (including misconduct in Intimate Professional Relationships)
- Specialist training to Panel Members involved in Sexual Misconduct Disciplinary Panel hearings whether on appeal or at first instance
- Specialist training to investigators of Sexual Misconduct

- Specialist training to staff involved in receiving Disclosures and Reports

13.2.2. Student training:

- Mandatory Sexual Consent training
- Mandatory bystander training
- Induction – What is Harassment, Bullying and Sexual Misconduct?
- Induction and annual re-registration – Understanding the content of the Single Comprehensive Source of Information (including Intimate Personal Relationships)

13.3. Advice about this procedure

Advice about the operation of this procedure can be obtained via the Equality, Diversity and Inclusion team, the Human Resources Department and Office of Student Complaints, Appeals and Regulation (OSCAR).

13.4. Failure to comply

The following may be treated as misconduct under the [Staff Disciplinary Procedure](#) or [Student Disciplinary Regulations](#):

- failing to comply with this *Procedure*;
- making false, malicious, or vexatious allegations under this procedure; or
- retaliating against or victimising staff or students who make complaints or participate in good faith in investigations under this procedure.

13.5. Review

13.5.1. These procedures will be formally reviewed every 3 years by the Executive Board.

13.5.2. Major changes will require approval from the Executive Board before becoming operational.

13.5.3. Minor changes may be approved by the Chief Student Officer taking Chairs' Action before becoming operational.

13.6. Legislative Context and Higher Education Sector Guidance or Requirements

- Equality Act 2010
- Criminal Justice and Courts Act 2015
- Sexual Offences Act 2003
- Protection from Harassment Act 1997
- Children Act 1989
- Children Act 2004
- Care Act 2014
- Mental Capacity Act 2005
- Online Safety Act 2024
- Data Protection Act 2018
- UK General Data Protection Regulation 2016/679
- Condition E6: Harassment and sexual misconduct, Office for Students (2024)

- [Statement of expectations](#) for preventing and addressing harassment and sexual misconduct affecting students in higher education, Office for Students (2021)
- [Changing the culture: our work on tackling harassment](#), UUK Guidance (2022)
- [UUK guidance on tackling staff-to-student sexual misconduct](#), UUK Guidance (2022).

13.7. Sustainability: The Sustainable Development Goals (SDGs), particularly SDG 16 (Peace, Justice and Strong Institutions), apply directly to a disciplinary procedure by promoting fairness, transparency, accountability, and respect for human rights. A disciplinary process that aligns with the SDGs ensures due process, treats all individuals with dignity, and fosters a safe, inclusive, and ethical academic environment. By upholding these values, the University contributes to a just and peaceful institution, reinforcing its role in shaping responsible global citizens.

14. Stakeholder Engagement and Equality Impact Assessment

14.1. An Equality Impact Assessment was completed on 09 July 2025 and is held by the Authorised Co-ordinator.

14.2. Stakeholder Consultation was completed, as follows:

Stakeholder	Nature of Engagement	Request EB Approval (Y/N)	Date	Name of Contact
Governance	Review of circulated procedure		13 May 2025	Kelley Padley, Governance Officer
Health & Safety	Review of circulated procedure	N	12 May 2025	Matthew Purcell, Director of Health & Safety
Sustainability	Review of circulated procedure	N	2 May 2025	Martin Wiles, Head of Sustainability
Academic Freedom / Freedom of Speech	Review of circulated procedure		16 May 2025	Abigail Bradbeer
Our Data	Review of circulated procedure			Ewan Robson, Data Protection Officer
Our Colleagues	Review of circulated procedure		21 May 2025	Katy Huetson, Associate Director (People Services)