

Sexual Misconduct Procedures

Operational Owners:	Academic Registrar / Head of OSCAR and Director of HR
Executive Owner:	Chief Student Officer (CSO)
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Related documents:	Equality Policy Trans and Gender Identity Policy Safeguarding Policies Dignity at Work and Study Policy Data Protection Processing Policy Data Protection Processing Statement Student Disciplinary Regulations Staff Disciplinary Policy Procedure for Complaints Staff Grievance Policy Regulations for Fitness to Practise Regulations for Support to Study Procedure for Managed Exclusion Orders Criminal Convictions Policy IT Policies Social media policy (staff) Social media policy (students)

Approval History

Version	Reviewed by	Brief reason for review	Approved by	Date
1.0	<u>Sexual Misconduct and Harassment development group:</u> Lucy Evans, CSO Karen Raymer, HR Director Amy Dopson, Principal TF, School of Health Sciences Glenn Moulton, Ioana Enany, Amy Knight and Joanne Blyth, OSCAR Javayria Masood, Student Success Manager Chris Whitehead, Student Engagement and Comms Officer Mark Chatterton, Head of Security Laura Smythson and Holly Latham, Wellbeing and Welfare Ajay Ajimobi, USSU President Leri Francis, VP Support Plus: James Acres, Commercial Lawyer Steve Allen, Employment Lawyer Adam Child, Academic Registrar Matt Purcell, Director of Health & Safety Andrea Langley, Regulatory Compliance Manager (OIA) Jo McCarthy-Holland, Equality and Diversity Adviser Frances Teding Van Berkhout, Deputy Head of Information Governance Student Success Committee members	Policy out of date. Update from Policy to Procedures	EB	December 2021
1.1	Operational Owners	Minor changes	Operational Owners	21 August 2023

1 Introduction

1.1 Purpose

- 1.1.1 The purpose of these *Sexual Misconduct Procedures* is to provide an accessible, coherent and fair approach for preventing, reporting and responding to allegations/incidents of Sexual Misconduct.
- 1.1.2 The University is committed to promoting a culture in which Sexual Misconduct is not tolerated, and will be thoroughly addressed to ensure a safe environment for Students, staff, and visitors.
- 1.1.3 The University recognises that incidents of Sexual Misconduct occur within the University community, and acknowledges that this can be experienced by any individual.
- 1.1.4 The main aim of this document is to provide individuals with clarity and confidence regarding the University's approach to dealing with Sexual Misconduct when it occurs. The *Sexual Misconduct Procedures* clearly demonstrate how the University responds to reports of incidents of Sexual Misconduct and what support mechanisms are in place.

1.2 Scope

- 1.2.1 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 report of Sexual Misconduct will be treated seriously, via proportionate investigation / action, in order to promote a safe environment for Students, staff and visitors.
- 1.2.2 Sexual Misconduct will never be tolerated. Proven incidents may result in dismissal, expulsion and/or referral to the police.
- 1.2.3 These procedures should be read in conjunction with a suite of existing staff and Student policies, regulations, codes of practice and procedures:

www.surrey.ac.uk/about/policies

<https://policies.surrey.ac.uk/>

Those listed at the beginning of this document will be of particular relevance.

- 1.2.4 The *Sexual Misconduct Policy* is applicable to all members of the University.
- 1.2.5 Where incidents occur involving Surrey International Study Centre (SISC) students, or Students on a professional training year (PTY) in the UK or abroad, then different parties/procedures may be involved. Advice should be sought from the Office of Student Complaints, Appeals and Regulations ([OSCAR](#)) in this instance (oscar@surrey.ac.uk). Support will be available to members of the University regardless of what procedure applies.
- 1.2.6 These procedures relate specifically to incidents which have occurred during an individual's period of study or work at the University of Surrey. Application of these procedures is not limited to Disclosures and Reports of incidents on University premises or during teaching/working hours.

1.3 Definitions

- 1.3.1 Authorised Person
The individual responsible for investigating allegations (or criminally proven offences) of Sexual Misconduct, in accordance with the [Student Disciplinary Regulations](#).

1.3.2 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'.

(<https://www.legislation.gov.uk/ukpga/2003/42/section/74>)

Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.

1.3.3 Disclosure

A Disclosure is when an individual tells someone else about their experience, however, they 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 or to the University. It is different from a Report.

1.3.4 HR Business Partner

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

1.3.5 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 University managed houses for a specified period of no longer than 20 working days in the first instance (MEOs can be extended). 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 act.

1.3.6 Member(s) of the University

Current members staff¹, members of Council and registered Students at the University of Surrey (including postgraduate research Students who may also be employed by the University as a member of staff).

1.3.7 OSCAR

The Office of Student Complaints, Appeals and Regulation.

1.3.8 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.

(<https://www.legislation.gov.uk/ukpga/2003/42/part/1>)

1.3.9 Student

The *Sexual Misconduct Policy* is applicable to the following Students:

- applicants to the University who have accepted an offer of a place;
- 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

¹ For individuals who are not directly employed by the University but who are connected to the University via their employment, please refer to Section 3.4 of this document.

(SISC)².

1.3.10 Report

A Report is a way of officially lodging a complaint, to be followed up with potential action against the Responding Party. A Report can be made to the police and/or to the University. It is different from a Disclosure.

1.3.11 Reporting Party

The individual who has been the victim of alleged (or criminally proven) Sexual Misconduct or the person making a Report on behalf of a victim.

1.3.12 Responding Party

The individual alleged to have committed Sexual Misconduct (or has been found guilty of an offence of this nature in a court of law) by the Reporting Party.

1.3.13 The Campus Safety Team

The Campus Safety Team provides an effective integrated, high-profile security presence delivering a professional and responsible service. Security cover is provided by four Campus Safety teams working shifts. Each team has its own portfolio of specific responsibility. All Campus Safety Team members are trained in first aid to health and safety at work standards.

1.3.14 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.
- (<https://www.legislation.gov.uk/ukpga/2003/42/section/3>)

1.3.15 Sexual Harassment

There is no criminal offence of Sexual Harassment in English law. The types of behaviours or conduct which make up sexual harassment are varied and may include the types of conduct listed at section 1.3.16. Sexual harassment will overlap with the criminal law on sexual offences once any touching of the other person is involved for example, physical unwanted sexual advances, kissing, touching, hugging, stroking, patting of someone's clothes, body, hair, rubbing up against someone, where the touching is sexual. Some forms of sexual harassment may overlap with other criminal offences such as harassment and stalking, revenge porn.

[The Equality Act 2010 \(S26\)](#) defines Harassment as follows:

(1) A person (A) harasses another (B) if—

(a) [...]

(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.

(2) A also harasses B if—

(a) A engages in unwanted conduct of a sexual nature, and

(b) the conduct has the purpose or effect referred to in subsection (1)(b).

(3) A also harasses B if—

(a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,

(b) the conduct has the purpose or effect referred to in subsection (1)(b), and

(c) 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.

² This does not include attendees of the Guildford School of Acting (GSA) Saturday School, who fall under the category of 'visitors' for the purposes of this document. It is expected that GSA would consider any complaints in which the Responding Party is an attendee of the Saturday School, in accordance with its own localised procedures. If a report is made by an attendee of the Saturday School concerning a member of staff employed by GSA (or other member of the University), this would be considered in accordance with Section 3.3 of this document.

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—

(a) the perception of B;

(b) the other circumstances of the case;

(c) whether it is reasonable for the conduct to have that effect.

(5) [...]

We understand Sexual Harassment to include (but not be limited to) domestic violence and abuse (which can also involve control, coercion, threats), and stalking.

Sexual Harassment is considered to be a form of Sexual Misconduct covered by these Procedures.

1.3.16 Sexual Misconduct

The University understands the definition of **Sexual Misconduct** to be: conduct that is sexual, unwanted and causes distress, or that otherwise constitutes harassment, bullying or victimisation irrespective of whether or not intended.

Examples of Sexual Misconduct may include, but are not limited to:

- Making unwanted remarks of a sexual nature;
- Physical unwanted sexual advances;
- Sexually touching another person without their consent;
- Engaging, or attempting to engage, in a sexual act with another person without their consent;
- Intimidation, or promising resources or benefits in return for sexual favours;
- Distributing or exhibiting private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015);
- Image-based sexual abuse: (also known as 'revenge pornography') recording or sharing sexual or intimate photos or videos, without the consent of the person pictured;
- Stalking: persistent, unwanted communication or behaviour intending to frighten, intimidate or harass someone such as repeatedly following them;
- Cyberstalking: repeated and deliberate use of the internet and other electronic communication tools to engage in persistent, unwanted communication intending to frighten, intimidate or harass someone, or to spy on someone;
- Upskirting: filming or photographing under a person's clothes without their consent to capture images of their body or underwear;
- Relationship abuse: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners; this may include psychological, physical, sexual, financial and/or emotional abuse;
- Retaliation: any adverse actions against another person, including, but not limited to, harassment, threats, intimidation or coercion, made in response to someone disclosing or reporting any form of sexual misconduct;
- Sexual Harassment (as defined by Section 26 (2) of the Equality Act 2010);
- Sexual Assault (as defined by the Sexual Offences Act 2003);
- Rape (as defined by the Sexual Offences Act 2003);
- Unwanted conduct of a sexual nature which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010);
- Showing sexual organs to another person(s) without their consent;
- Arranging or participating in events which may reasonably be assumed to cause; degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations.

The definition includes misconduct through any medium, including, for example, online.

Vexatious and/or malicious reporting of Sexual Misconduct will be an act of misconduct in and of itself and addressed via the appropriate process as appropriate (*Staff Disciplinary Policy / Student Disciplinary Regulation*).

1.3.17 Sexual Violence Liaison Officer

A Sexual Violence Liaison Officer (SVLO) is a member of staff who has undertaken specialist training to be able to provide pro-active support and advice to Students who have experienced sexual violence. SVLOs can help an individual 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.

1.3.18 Visitor

Any person present on University premises, including University managed houses, who is not a member of the University.

2 Principles

- 2.1 Members of the University should always treat people with dignity and respect.
- 2.2 The University maintains a zero-tolerance approach and will ensure a culture in which incidents of Sexual Misconduct are not tolerated. The University is committed to preventing and responding to all forms of Sexual Misconduct. There are no exceptions.
- 2.3 All members of the University and visitors should be protected from Sexual Misconduct. We recognise the significant impact of this, including the potential impact on learning and employment and wellbeing.
- 2.4 The University will collaborate with the Students' Union and recognised Trade Unions to deliver a clear and consistent message that Sexual Misconduct is never tolerated. This will include work on campaigns and education.
- 2.5 An accessible and straightforward reporting mechanism will be available ([Report + Support](#)) and communicated widely and effectively to ensure engagement and accessibility for all groups.
- 2.6 Every Report of Sexual Misconduct will be responded to appropriately. Proven incidents may result in dismissal, expulsion and/or referral to the police.
- 2.7 The standard of proof applied in disciplinary and fitness to practise matters, including allegations of sexual misconduct, is that of the balance of probability; that on the evidence put forward it is more likely than not that something was or was not the case.
- 2.8 All members of the University will be informed of these procedures.
- 2.9 There is no time limit for reporting incidents of Sexual Misconduct to the University. However, it is accepted that the passage of time is likely to make it more difficult for action to be taken.
- 2.10 Anonymous Reports may be submitted and will be considered on a case-by-case basis. Any subsequent actions would be taken in accordance with sections 3.2-3.5. It is accepted that anonymity may make it more difficult for the University to act.
- 2.11 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.
- 2.12 Every effort will be made to provide all individuals with confidence in the University's approach to responding to allegations of Sexual Misconduct. All staff involved in the process will always act with

impartiality and discretion.

- 2.13 Appropriate support will be available to all parties. Counselling staff will be available to members of the University for specialist 1-1 support if needed.
- 2.14 Formal disciplinary actions or sanctions will not normally be imposed for drug possession and/or use by Reporting Parties. Individuals may be provided with resources on drug counselling and/or education, as appropriate. This applies to any person who, in good faith, reports misconduct or seeks medical assistance from the University or emergency services for themselves or another individual whose health or safety is at risk. The same principle applies to other types of less serious misconduct. Advice on specific circumstances can be provided by OSCAR and/or Human Resources prior to Disclosures or Reports being made.
- 2.15 Training will be offered to key members of the University staff to respond effectively to different types of Sexual Misconduct and to raise awareness of Sexual Misconduct with the purpose of preventing incidents and encouraging individuals to Report incidents safely where they do occur. Consent training will be available for Students and other initiatives will create a preventative culture.
- 2.16 Anonymised records of reported incidents of Sexual Misconduct will be 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 will receive updates on the University's activities in relation to the prevention, reporting and response to Sexual Misconduct on at least an annual basis. This will include statistics on the type and number of Reports made and how these were resolved.

3 Procedures

3.1 Ways to disclose and report Sexual Misconduct

- 3.1.1 Disclosures and Reports of Sexual Misconduct involving staff members, Students or visitors could be made to any member of the University. Consideration should be given by the person receiving the Disclosure or Report as to whether the Reporting Party, or any other individual(s) is at risk of immediate and/or serious harm.
- 3.1.2 If it is reasonably believed that imminent and/or serious harm is likely, the Campus Safety Team should be notified immediately by dialing 01483 68(3333). It may be necessary for the caller or the Campus Safety Team to also contact the police or ambulance service by dialing 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.
- 3.1.3 Some members of staff are specifically trained to receive Disclosures and the University encourages individuals to disclose to these persons whenever possible (see section 3.1.4). 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.
- 3.1.4 Any individual can disclose or report Sexual Misconduct, or seek support, via the following routes:

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

A website that offers direct help and guidance in confidence. Those who submit reports with contact details hear back within three working days and receive advice and support. All submissions are treated impartially, with the appropriate level of investigation.

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. In emergencies, our designated University Campus Safety team can be reached 24 hours a day, 7 days a week on 01483 683333.

Depending on the wishes of the Reporting Party, the Report will result in action being taken in line with a relevant procedure (as outlined in sections 3.2-3.5) and/or support services being signposted.

- **Centre for Wellbeing** - <https://wellbeing.surrey.ac.uk/centre-for-wellbeing>

The University's team of professional counsellors, and mental health workers offers confidential support. All members can talk through how to make a Report and what support is available. Some members of the team are SVLOs 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.

- **Campus Safety Team** - www.surrey.ac.uk/security

All Officers can talk through how to make a Report and what support is available. Some members of our Campus Safety team (male and female) are SVLOs trained to receive Disclosures of Sexual Misconduct.

- **Students' Union** (Students only) - www.ussu.co.uk

Members of staff can talk through how to make a Report and what support is available. Some members of our Students' Union team are SVLOs trained to receive Disclosures of Sexual Misconduct.

- **Personal Tutor / Supervisor** (Students only)

Personal Tutors and Supervisors will not have received specialist training to receive Disclosures of Sexual Misconduct. However, they will be able to signpost the reporting options and what support is available as this will be explained as part of their Personal Tutor training.

- **Line Manager** (staff only)

Line Managers will not normally have received specialist training to receive Disclosures of Sexual Misconduct. However, they will be able to signpost the reporting options (such as Report + Support) and the support outlined in section 6.

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

Some members of our Human Resources team are trained to receive Disclosures of Sexual Misconduct. All members of the team can talk through how to make a Report and what support is available.

- **Trade unions** (staff only) - <https://surreynet.surrey.ac.uk/staff-services/trade-unions>

Trade unions are organised groups of workers who come together to support each other in the workplace. The University of Surrey recognises three campus trade unions: Unison, UCU and Unite. Trade union representatives will not normally have received specialist training to receive Disclosures of Sexual Misconduct. However, they will be able to signpost the

reporting options and what support is available.

- 3.1.5 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 for criminal cases and the preservation of evidence. It also contains information on anonymous reports via [Crimestoppers](#).
- 3.1.6 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 [Criminal Convictions Policy](#). 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.
- 3.1.7 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. Reports will be considered on a case-by-case basis. The actions below will be considered standard in the majority of cases.

3.2 Reports where the Responding Party is a Student

- 3.2.1 Where a Report is received by the University making allegations against a Student, action will be taken in accordance with the [Student Disciplinary Regulations](#) or [Regulations for Fitness to Practise](#) (for Students studying Regulated Courses).
- 3.2.2 The 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](#), the relevant Faculty will appoint an appropriate investigator. Investigations will be conducted by persons independent of the parties concerned.
- 3.2.3 Consideration will be given by the Authorised Person upon receipt of the Report, in conjunction with OSCAR, as to whether a Managed Exclusion Order should be sought. If the Responding Party resides in University accommodation, this may involve a move to alternative accommodation off or on campus. 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](#).
- 3.2.4 The Authorised Person or investigator will normally have an initial meeting with the Reporting Party at the earliest opportunity. Within this meeting, the Reporting Party has the following options available to them (more than one option can be taken):
- Request the University formally investigates 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 not already done so.
 - Initiate support via Centre for Wellbeing and/or external agencies.
 - Take no further action at this time³.

³ In accordance with section 4.4., 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.

- 3.2.5 A procedure will be agreed for timely communications with reporting and responding parties.
- 3.2.6 Once the Authorised Person or investigator has completed their investigation, a minor misconduct sanction may be issued. The Responding Party may appeal against any findings or sanctions. The Reporting Party does not have the right to appeal the outcome.
- 3.2.7 Alternatively, the matter may be referred for consideration by a Student Disciplinary Panel or Fitness to Practise Panel as a potentially major breach of University regulations. It is also possible that no further action will be taken at this point if there is insufficient evidence to support the allegation(s). The Responding Party is entitled to be accompanied at any such Panel hearing by a friend or a member of the Students' Union.
- 3.2.8 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 a representative of the Students' Union. Witnesses may be invited to attend the hearing, and this could include the Reporting Party. If the Reporting Party attends the hearing, measures will be put into place to safeguard this individual.
- 3.2.9 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, expulsion, suspension from studies, and exclusion. The Responding Party may appeal against any findings or sanctions. The Reporting Party does not have the right to appeal the outcome.

3.3 Reports where the Responding Party is a member of staff or member of Council

- 3.3.1 Where a Report is received by the University making allegations against a member of staff, action will be taken in accordance with the [Staff Disciplinary Policy](#). Investigations will be conducted by persons independent of the parties concerned.
- 3.3.2 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):
- Request the University formally investigates 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 not already done so.
 - Initiate support via Centre for Wellbeing and/or external agencies.
 - Take no further action at this time⁴.
- 3.3.3 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).
- 3.3.4 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 Policy](#). A suspension does not signify a view on the part of the University that the Responding Party has committed an alleged offence.
- 3.3.5 A procedure will be agreed for timely communications with Reporting and Responding parties.

⁴ In accordance with section 4.4., 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.

3.3.6 The investigating manager 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.

3.3.7 Hearings are conducted in accordance with the [Staff Disciplinary Policy](#). Disciplinary Panel members will be independent of the investigatory process and are asked to declare any potential conflict of interest. Witnesses may be invited to attend the hearing, and this could include the Reporting Party. If the Reporting Party attends the hearing, measures will be put into place to safeguard this individual. Possible outcomes of Disciplinary Panel hearings include no further action, first written warning, final written warning, and dismissal. The Responding Party may appeal against any findings or sanctions. The Reporting Party does not have the right to appeal the outcome.

3.4 Reports where the Responding party is indirectly employed by the University/undertaking a service for the University

3.4.1 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 the Human Resources and/or Governance and Risk Assurance Departments. Examples of individuals who may fall into this category include, but are not limited to:

- Contractors;
- Agency staff;
- Franchise staff and similar (e.g. Simply Fresh staff);
- People who perform a service to the University away from our campus (e.g. a lecturer at an overseas University where a Surrey Student is on Exchange).

3.4.2 If appropriate, the University may also take action in accordance with Section 3.5 of this document.

3.5 Reports where the Responding Party is a member of the public

3.5.1 Where a Report is received by the University making allegations against a member of the public, the Head of the Campus Safety Team (or their nominee) will consider the appropriateness of a banning order.

3.5.2 The Head of the Campus Safety Team 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):

- Report the incident to the Police, if not already done so.
- Initiate support via Centre for Wellbeing and/or external agencies.
- Take no action at this time⁵.

4 Police involvement, criminal proceedings and safeguarding

4.1 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. In this case, if it is advised that, to continue 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

⁵ In accordance with section 4.4., 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.

the investigating body advises that it is appropriate to proceed. This may result in a delay before action can be taken by the University.

- 4.2 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 has concluded. This may result in a delay before action is taken by the University.
- 4.3 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) 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. 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. However, such cases may still be referred to the relevant University internal procedure (*Staff Disciplinary Policy, Student Disciplinary Regulations, Regulations for Fitness to Practise*) and this may result in a sanction being applied.
- 4.4 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 and after giving due consideration to their wellbeing. In some circumstances the interests of time and safety will not allow this.
- 4.5 If the Reporting or Responding Party is a child (under 18) the University Safeguarding Officer will review the incident with reference to the University [Child Protection and Adults at Risk Policy](#).

5 Confidentiality and information sharing

- 5.1 Confidentiality will be maintained, where possible, in recognition of the sensitive nature of allegations/Reports. 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 (see Section 5.4). Details of relevant privacy notices can be found here: <https://www.surrey.ac.uk/student-support-services-privacy-notice>
- 5.2 Under data protection legislation the University may share personal data with the consent of the data subject, unless there is a stated exception (see 5.3 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 should be referred to the “Make a Privacy Request” web form at: <https://www.surrey.ac.uk/information-governance/make-privacy-request>.
- 5.3 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 the University’s Safeguarding Officer.
- 5.4 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.
- 5.5 If a Reporting Party, or other interested party, wishes to gain access to information pertaining to a case that has been administered, in full or part, by OSCAR or Human Resources, then they may make a request to OSCAR/Human Resources, and this will be considered on a case-by-case basis. An

assessment will be made as to the potential risks/benefits to all concerned parties of sharing the requested information. This could include, but is not limited to, the outcome of a student/staff Disciplinary Panel hearing, or matters concerning an investigation. This would be in accordance with relevant privacy notices, and normally in consultation with the Information and Governance team, if appropriate.

- 5.6. A failure to appropriately respect confidentiality and/or data protection requirements could result in disciplinary action being taken against that individual.
- 5.7. 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.

6 Support and advice

6.1 Support

- 6.1.1 Support is available for all members of the University regardless of whether a formal Report or complaint is made and irrespective of the outcome of any investigation. Both Reporting and Responding parties have equitable access to internal and external support and they will each have a member of staff assigned to them to offer welfare and pastoral support.
- 6.1.2 The Report + Support [website](#) contains comprehensive information on the variety of support available to anyone involved in incidents of Sexual Misconduct (for example the Reporting Party, Responding Party and witnesses).

[Report + Support](#) is a website that offers direct help and guidance in confidence. Those who submit Reports with contact details hear back within three working days and receive advice and support. All submissions are treated impartially, with the appropriate level of investigation.

[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. In emergencies, our designated University Campus Safety team can be reached 24 hours a day, 7 days a week on 01483 683333.
in our residential accommodation.

- 6.1.3 If the Reporting Party holds a current accommodation license with the University, consideration will be given on a case-by-case basis as to whether alternative accommodation should be offered.
- 6.1.4 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 Student complaint ([Procedure for Complaints](#)) or staff grievance ([Staff Grievance Policy](#)). Eligibility and time limits for raising cases are outlined in the related documents.

6.2 Advice

- 6.2.1 Advice about the operation of these procedures can be obtained via OSCAR, the Human Resources Department and the Campus Safety Team.

7 Review and Update

- 7.1 These procedures will be formally reviewed every 3 years by the University Council.

- 7.2 Major changes may be reviewed and agreed by the CSO before becoming operational.
- 7.3 Minor changes will be agreed by the operational owners before becoming operational.