

Harassment and Sexual Misconduct (HSM) Policy

The University's Policy on meeting the OfS Condition of Registration E6

This policy replaces the Sexual Violence and Misconduct Policy and the Dignity at Study Policy and forms a key part of the Single Source of Information.

Contents and foreword

Section	Title	Page
1	Introduction / Purpose	3
2	General definitions	4
3	Legal definitions	5
4	Myths around rape and victim blaming	6
5	Violence against women and girls (VAWG)	6
6	Freedom of speech	8
7	Disclosure and reporting	9
8	Reporting to Police	11
9	Burden of Proof and Decision-making	12
10	False Reporting	12
11	Appropriate support - personal	13
12	Appropriate support - academic	13
13	Individual responsibilities	14
14	Non-disclosure agreements (NDAs)	14
15	Data Protection, monitoring and record keeping	14
App 1	Definitions in Law	17
App 2	Applicable legislation	18
App 3	Definitions specific to OfS Condition E6 (Harassment & sexual misconduct)	21

App 4	Student disclosure - if you have been the victim of harassment and / or sexual misconduct	25
App 5	Advice on handling a disclosure of harassment and / or sexual misconduct - for all staff members and other students	27
App 6	FAQs	29
App 7	Role of the Sexual Violence Liaison Officer (SVLO)	33
App 8	Role of the Sexual Assault Referral Centre	34
App 9	Continuum of inappropriate behaviour	36
App 10	Support Services Information	37

Foreword

We are committed to a working and learning culture that encompasses dignity, courtesy, respect, consideration and kindness for all. All members of the University community should treat each other in a friendly, courteous and dignified manner. Staff and students have a responsibility to create an environment that is free from any form of harassment, sexual misconduct, bullying, discrimination and victimisation, while upholding freedom of speech and academic freedom.

Arts University Plymouth strives to maintain a transparent culture where the sorts of behaviour mentioned above are challenged and if appropriate, managed effectively through efficient reporting systems. All managers have a responsibility to promote an environment which supports dignity at study for all and to follow formal procedures when concerns are raised. Those who are subjected to such behaviour must receive appropriate support and those who are accused of such behaviour must also be supported and treated fairly.

An open culture of respect and trust is vital to create an environment that will enable our students to reach their potential, to achieve, progress and succeed.

1 Introduction / Purpose

1.1 Harassment and sexual misconduct can be experienced by anyone, regardless of age, sex, gender identity, sexual orientation or other personal characteristics. According to the Office for National Statistics full-time students are more likely to experience sexual assault than any other occupational group¹.

1.2 As a public authority, the University is subject to the [Public Sector Equality Duty](#), where, in the exercise of its functions, must have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

1.3 This policy follows the principle that all students, however and wherever they may be studying, including those studying with our academic partners, should be protected from harassment and sexual misconduct by anyone - including other students, staff members and visitors. All reports and disclosures will be taken seriously by the University with the default action being that the reporting student will be believed.

1.4 This policy operates under the [Office for Students' \(OfS\) Condition of Registration E6](#) for higher education providers and is an integral part of the single source of information. The principles also extend to all Pre degree courses and to those on any short courses that may be held.

1.5 The policy relates to all students studying with the University:

- who have been harassed
- who have been affected by sexual misconduct
- who have been accused of harassment or sexual misconduct

1.6 In addition to related staff policies, this policy also provides information for staff members and how to manage disclosures of harassment or sexual misconduct.

1.7 This policy will explain the single source of information required by Condition E6 and include

- definitions of harassment and sexual misconduct
- how we take steps to make a significant and credible difference in protecting and preventing students from harassment and/or sexual misconduct;
- how we ensure students, staff and other persons are able to report behaviour that may amount to harassment and/or sexual misconduct to the University;
- how we sensitively and fairly use information in connection with incidents of harassment and/or sexual misconduct;

¹ [ONS: Nature of sexual assault by rape or penetration in England & Wales, year ending March 2020](#)

- how we ensure that students are appropriately informed to ensure understanding of harassment and sexual misconduct;
- how we provide appropriate support to students in response to incidents of harassment and/or sexual misconduct both the reporting student and reported student;
- how we appropriately train those staff and other persons responsible for receiving information about, investigating, or taking decisions on, matters relating to incidents of harassment and/or sexual misconduct.

2 General Definitions

2.1 Specific definitions of the OfS Condition E6 are found at Appendix 3 and a glossary of terms is included in the Single Source of Information.

2.2 Some general definitions to aid in understanding the policy are as follows:

- Reporting student
 - the student who raises a concern or makes a report of harassment and/or sexual misconduct.
- Reported person
 - the person (could be student, staff member, visitor, contractor etc.) whose concerns have been raised about or who has been accused of harassment and/or sexual misconduct (may also be known as a reported student etc...)
- Sexual misconduct
 - sexual misconduct can be defined as any unwanted sexual act or activity, or series of acts or activities, including:
 - rape, sexual assault, sexual abuse and sexual harassment (legal definitions at Paragraph 4).
 - it includes any unwanted behaviour of a sexual nature that is committed without consent or by force:
 - intimidation, coercion or manipulation, such as sexual exploitation and sexual intimidation.
 - such misconduct does not have to involve acts of physical violence but also includes behaviours such as:
 - “image-based” violence (including ‘revenge porn’, victim-blaming and rape jokes).

2.3 With regards to terminology the word ‘survivor’ for some people can be associated with bravery, courageousness, overcoming a threat or challenge. The word ‘victim’ for some people can be associated with sufferer, wounded, injured or even foolish and some do not wish to be labelled as such. Both terms can be problematic. However, In law the word ‘victim’ is used in legal definitions and it is used in general reporting such as ‘victims of harassment / crime etc.’. Therefore, this will remain the case in this policy and in general parlance. We promote choice and on an individual level encourage people **who have experienced harassment and/or sexual misconduct to use whatever terminology they prefer**. In the absence of knowing which term a person prefers, and procedurally, the University shall use more neutral terms such as “**disclosing**

student", "**reporting student**" or "**person/people of lived experience**" when a report is made. The term '**reported**' will be applied to any staff member or student accused of harassment and/or sexual misconduct.

2.4 It is important that the University does not use language of criminal law, such as 'offence', 'offender', 'guilty' or 'crime' as the **University is not a prosecuting authority**. Therefore terminology such as '**misconduct**', '**reported person**' and '**proven**' are used.

2.5 Harassment and sexual misconduct may occur:

- between students
- between staff members
- between students and staff
- involving third parties or visitors

2.6 For clarity, incidents reported of harassment and sexual violence or sexual misconduct that take place both on and off University premises, including those that occur outside of standard academic hours will be supported. It extends to any setting or context considered part of "normal University business", which includes but is not limited to:

- field trips, placements, study abroad
- student Union / society events and sports activities, whether on or off campus
- work-related functions or industry-facing events facilitated by the University
- online platforms, including university-sanctioned social media groups or learning environments, University accommodation (such as private student lettings, other University accommodation (such as another university's campus).

2.7 The University's responsibilities also apply to digital communications and online harassment involving members of the University community, where the behaviour breaches our policies or impacts the wellbeing or safety of students or staff.

3 Legal definitions

3.1 Full legal definitions relating to harassment and sexual misconduct are found at Appendix 1.

3.2 The OfS has summarised section 26 of the Equality Act 2010 as follows:

'harassment, including sexual harassment, includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:
age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.'

3.2 The OfS has summarised section 1 of the Protection from Harassment Act 1997 as follows:

‘a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.’

3.3 The OfS has also extended these definitions to include harassment of one student by another student. These definitions include tests that are designed to establish, objectively and reasonably, whether conduct could be considered as 'harassment'. This means providers such as ourselves should take into account:

- the perception of the person who is at the receiving end of the conduct
- the other circumstances of the case
- whether it is reasonable for the conduct to have the effect under scrutiny.

3.4 Under section 1 of the Protection from Harassment Act 1997, an offence is committed only if:

- the person knows the conduct amounts to harassment of the other, or
- a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person.

3.5 The OfS defines sexual misconduct as any unwanted or attempted unwanted conduct of a sexual nature. This includes, but is not limited to:

- sexual harassment
- sexual assault; and
- rape.

4 Myths around rape and victim blaming

4.1 There are many [common myths about rape and sexual assault](#) that can put people off getting the help they need or reporting it. For example, rape and sexual assault do not have to involve violence or force, cause physical injury or leave visible marks.

- False allegations

4.2 Research suggests that the impression of the public is that false allegations of sexual violence are common and that innocent people suffer as a result of being wrongfully accused. This may be because the media will usually report cases when false allegations are made (for example the false rape and grooming gang accusations in Barrow-in-Furness). In truth, it is because they are rare that they are in the public eye. In fact false allegations of sexual violence are reportedly no more common than they are for other crimes, and the perception that they are more common can and does harm victims/survivors or prevent them from making disclosures.

- Strangers offending

4.3 There was also a perception that in most cases of rape, the offender is a stranger. The truth is the majority of people who commit rape know their victims and, in some cases, are relatives, friends or work colleagues. Rape within marriage and relationships can also occur. Remember, sex is about consent. If your partner has forced you into having sex with them, this is rape. This is treated as seriously as any other rape or sexual assault.

- **Victim blaming**

4.4 This is not a myth as there have been genuine elements of victim blaming by those involved in the legal process, including judges as well as the general public and media.

4.5 With better education and training for those in the legal process and dedicated police departments this is changing. The national police website states 'if you have been a victim or are a survivor it isn't your fault and it's still rape or sexual assault no matter:

- what your relationship to the offender is
- whether you'd been drinking or taking drugs
- what you were wearing
- if you'd been flirting, kissing, or invited someone home - none of these mean you consented to sex
- if you changed your mind and stopped consenting
- whether or not you fought back or were injured
- how upset you seem - there is no 'right' way to react
- how long ago it happened
- whoever you are
- whatever your past, sexual or otherwise
- whatever your sex or gender - women, men and non-binary people all get raped and sexually assaulted although women are much more likely than men to experience rape or assault by penetration (including attempts)
- whether you have any physical or mental health conditions or impairments'.

(www.police.co.uk)

5 Violence Against Women and Girls (VAWG)

5.1 The Violence Against Women and Girls (VAWG) Commission was set up in Plymouth to review what was being done across the city to educate people, prevent and deter these types of crimes, consider what support is available for victims and make recommendations on what more could be done to make women and girls safer in the city. Arts University Plymouth, together with the other HE and FE providers in the city and other city partners from all sectors input into this. Ultimately the Commission produced a [report](#) and continues to operate across the city.

5.2 The University supports the drive to prevent violence against women and girls and is a signatory of [the Pledge](#). This outlines our support for the recommendations made by the VAWG Commission, pledging that they will work towards being an organisation / business that aims to be in a position to:

- provide a named responsible person to champion and lead activity
- adopt the Violence Against Women and Girls Charter Mark Scheme when it launches
- not tolerate sexist or misogynistic language and behaviour

5.3 The Commission has produced a [Q&A](#).

5.4 The previous government re-classified violence against women and girls as a national threat, meaning the police must prioritise their response to it, just as they do with threats like terrorism - as well as ongoing work to tackle image-based abuse. Under the current government the Home Office has commissioned a rapid review to inform a new government counter-extremism strategy on how best to tackle the threat posed by extremist ideologies online and offline, including extreme misogyny.

The VAWG Commission was set up after the city experienced two horrific crimes in 2021; the shooting and killing of five people by Jake Davison, and the murder of an 18 year old woman on the outskirts of the City. These crimes led to a bigger discussion and while it is acknowledged that there is also violence against men and boys, in over 90% of cases the victim is female.

5.5 Non-contact sexual offences, such as exposure and voyeurism, have been overlooked in the past as a form of violence against women and girls - but this is changing. Often not considered serious enough to report by victims, these crimes can be an indicator of escalating criminal behaviour, which may lead to a serious sexual offending, including rape, sexual assault and even murder.

5.6 The most common offences reported were indecent exposure and sharing indecent images to people. The most prolific offenders were between the ages of 26 and 45. Most reports of these crimes came from victims under the age of 18, though reports were received from all age groups.

5.7 D&C Police have launched a campaign – '[It Does Matter](#)' – as part of their ongoing work to ensure women and girls feel safe in Devon and Cornwall which aims to educate and empower people to report non-contact sexual offences. The campaign has been developed to target ages 18 to 24 years, but applies to people of all ages.

5.8 Many women and girls will have been subjected to non-contact sexual offences during their lives. This is likely to include family and friends. Many will have brushed it off as something that happens to all women, or found that others have laughed at their stories, making them question how serious it is. The 'It Does Matter' campaign is launched to encourage those who have been subjected to offences such as indecent exposure and voyeurism, to absolutely report to the police - or to use the resources in the University to report if not comfortable going to the police.

6 Freedom of speech

6.1 Under Condition E6.8, HE providers must comply with the requirements of this condition in a manner which is consistent with the freedom of speech principles which are:

- Irrespective of the scope and extent of any other legal requirements that may apply to the University, it must have particular regard to, and place significant weight on, the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context or environment. This includes premises and situations where educational services, events and debates take place.
- The University must also apply a rebuttable presumption to the effect that students being exposed to any of the following is unlikely to amount to harassment:
 - the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures;
 - statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.

6.2 Free speech includes lawful speech or expression that may be offensive, shocking or hurtful to some. Speech that amounts to unlawful harassment or unlawful incitement to hatred or violence (for instance) does not constitute free speech within the law and is not protected.

6.3 Context is always relevant in determining whether speech does rise to the level of unlawful harassment. Universities and colleges have freedom to expose students to a range of thoughts and ideas, however controversial. Even if the content of the curriculum offends students with certain protected characteristics, this will not make it unlawful unless it is delivered in a way which results in unlawful harassment or is otherwise unlawful².

6.4 See also [Regulatory Advice 24 guidance related to freedom of speech \(OfS\)](#) and the University's [Freedom of Speech and Academic Freedom Policy](#).

7 Disclosure and Reporting

7.1 If a student wishes to make a report of harassment and/or sexual misconduct to the University this may be done in person, via email / telephone but also the option to report through an online reporting tool via the Student Portal, Student Handbook or the links in this policy. The online reporting tool provides the option of reporting anonymously or making a formal report.

7.2 If the reporting student wishes, they may report the incident to the police regardless of whether they want to report to the University. A decision not to report to the police will not prejudice any University response to a student report.

- Disclosures of harassment and / or sexual misconduct

7.3 The information at Appendix 4 will help with making a report.

Making a disclosure is different to making a report.

² <https://www.officeforstudents.org.uk/publications/freedom-to-question-challenge-and-debate/>

7.4 A student may make a disclosure of harassment and / or sexual misconduct (the “reporting student”), which is when they tell someone that the misconduct has occurred. Upon doing so, they should be advised about their options for reporting. In simplistic terms these are:

- Make a report to police
- Make a report within the University such as a formal complaint
- Make a report to both police and the University
- Make no report

7.5 Any option will result in appropriate support, both academic and personal being offered.

7.6 In the event of a third party (e.g. another student / staff member) disclosing an incident of misconduct on behalf of someone else, this person will be advised about the options for reporting and available support and this person will be supported to help the disclosing student access this information. The victim in this case should only be contacted once the person disclosing on their behalf obtains the victim’s consent.

Ultimately if the disclosing or reporting student does not wish to access support or make a report, that is their choice.

7.7 A student might choose to disclose information about an incident that happened recently or some time ago. They will be offered support regardless of when the incident occurred and who was involved, which could be someone connected or unconnected to the University.

If a student discloses harassment and / or sexual misconduct but does not make a formal report they may still access support from the University.

7.8 A member of staff receiving a disclosure **must not** make a named report or refer to another agency without the student’s consent, unless there is a **concern about safeguarding**.

- For example the student in question is **under 18 years of age**, in which case the staff member receiving the disclosure may have a professional duty to make a formal report, in accordance with the [Safeguarding Policy](#) (Introduction, (page 6)):
 - *“The University is an agent of referral and not of investigation, other than when this pertains to ensuring we are fulfilling our duty of care. It is not necessarily the University’s responsibility to investigate abuse/significant harm. **Staff should not extend an offer of confidentiality** but should clearly inform the person that when information about abuse/significant harm is disclosed there is a duty on all staff to follow reporting procedures.”*
- In this case, having informed the Designated Safeguarding Lead or Deputy Designated Safeguarding Lead (HE, Pre Degree or Prevent) or a Safeguarding Officer in the first instance by telephone or in person it is imperative that the person who becomes aware of the disclosure **immediately** provides full details (in the written format to ensure accuracy of the initial report) to the relevant Safeguarding Lead. The information must include when the

disclosure was made, brief details of the disclosure, any evidence/witnesses of the event and any action that has already been taken.

7.9 The person receiving the disclosure should **avoid** asking specific questions about what happened and leave it to the reporting student to disclose only what they are comfortable with. Even a SVLO will not need to know exactly what happened, only that there was an incident of sexual misconduct. This avoids the reporting student having to go over the incident multiple times, potentially reliving the trauma, and also protects any investigation process should one follow.

7.10 If the disclosure is of sexual assault or rape, the student has the option to self-refer to the local Sexual Assault Referral Centre (SARC) (Appendix 6) or alternatively can liaise with them through a SVLO or Student Support.

7.11 Anyone can attend a SARC without having to report the incident to the University or to the police. The benefit of doing this is that the SARC can securely preserve evidence in the event the student does later choose to report to the police. This is particularly important if the incident happened in the past 7 days. An appropriate charity may also be contacted for support.

7.12 If a disclosing student does not wish to make a formal report to the University they can make an [anonymous report](#) or the person receiving the disclosure can do so on their behalf, which allows trend monitoring by the University. If the student wishes, they may report the incident to the police even if they do not want to report to the University.

The Google form is secure - there is no way of the recipient knowing the identity of the person using the Anonymous Reporting Form: the form **has not been** set up to require Google log-in to use and if a device is used in private / incognito mode any corporate trace would be removed.

For example, the form could be completed via the AUP website from a PC in a public library with no login required.

7.13 To reiterate, the University staff will not take any action without consent from the reporting student.

7.14 Students studying at the University through an academic partnership may use our reporting tools, however, any reporting action being taken through the partner's own discipline policies and support through the partner's student support services.

7.15 **All members of the University have a duty to raise concerns about behaviour that may be harmful to young people (under 18) and vulnerable adults.** See also the latest [Keeping Children safe in Education](#) (updated September each year) and the University's [Safeguarding Policy](#).

8. Reporting to Police

It is vital that staff and students are aware that it is the choice of the reporting student (complainant/victim) about whether to report the incident of harassment and / or sexual misconduct to the police.

8.1 The University will not formally notify the police or any other agency of instances of harassment and / or sexual misconduct without the reporting student's explicit consent, unless there are specific safeguarding concerns (see para 7.1).

8.2 The University's Student Support and SVLO have contact with a specific Sexual Offences Liaison Officer within the local police force who may be contacted directly to speak with us and/or the reporting student if the reporting student consents, with no obligation to make a formal police report. The SVLO and/or a member of the Student Support team will support the student throughout the process if they wish to follow this course of action.

8.3 The reporting student may contact the police without informing the University if they so wish. A student who reports an incident to the police has the option to give their consent for the police to inform the University about the progress of the investigation, to avoid the need for the student needing to update the University themselves. The Head of Compliance & Quality Systems (if not acting as SVLO) may be used as a conduit for the Police or alternatively the Head of Student Support may be contacted.

8.4 If students do wish to report to the police they will be supported in doing so if they wish and the University will work with the police as necessary in accordance with the [Disciplinary Procedure for Students](#).

8.5 If the University is aware that a police investigation is ongoing, the Deputy Vice-Chancellor would, in discussion with other key staff depending on the case, assess whether any precautionary measures, such as suspension or access to certain areas being restricted, may be appropriate to protect students (both the reporting student and the reported student / staff member, as appropriate, as well as other students) and also to ensure the police response is not impeded (See [Disciplinary Procedure for Students](#) Sections 11 and 14). The ethics of the case, confidentiality and impartiality of certain roles must be taken into account during any discussion.

8.6 As explained in the [Disciplinary Procedure for Students](#), a decision by the police or more likely the Crown Prosecution Service, to take no further action in relation to a criminal matter does not preclude the University from taking its own action nor does it mean the reporting student has made a vexatious or malicious report. It simply means that the case has not met the threshold for a charge or conviction and therefore is not in the public interest to proceed. This is the same if a case is acquitted at a trial. A not guilty verdict does not preclude the University from taking its own action.

8.7 The University cannot make a determination on criminal guilt, and any internal investigation will be focused exclusively on whether a breach of the [Student Code of Conduct](#) has occurred. As explained in paragraph 3.8 the burden of proof in law (the Police/CPS) is much higher (beyond reasonable doubt) than that of the University. The internal process cannot be regarded as a

substitute for a police investigation / criminal prosecution and will be judged on the balance of probabilities.

8.8 If a student (or staff member) is convicted of a criminal offence or accepts a police caution in relation to behaviour that falls within the scope of this policy (or any other relevant policy), the conviction/caution will be taken as conclusive evidence that the behaviour took place and may be pursued as part of the relevant Disciplinary Procedure in the University.

9 Burden of proof and decision-making

9.8 In internal investigations, that is those undertaken by the University there is not a requirement to use a criminal standard of proof. Outcomes will be based not on being 'beyond reasonable doubt' as in a court of law but on the balance of probabilities, meaning the misconduct must be judged to have very likely occurred to be proven.

9.9 Any judgements reached as part of a University investigation **do not constitute a legal ruling on whether or not criminal activity has taken place.**

9.10 In the context of Section 26 of the Equality Act 2010, in deciding whether conduct has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person, it is necessary to take into account:

- the perception of the person who is at the receiving end of the conduct;
- the other circumstances of the case; and
- whether it is reasonable for the conduct to have that effect - *this is important because it introduces an element of objectivity into the test. The perception of the person who is at the receiving end of the conduct is not the only relevant consideration in determining whether the conduct amounts to unlawful harassment.*

9.11 An offence (in criminal proceedings) or misconduct is committed only if the reported person knows the conduct amounts to harassment of the other, or a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person.

10. False reporting

10.1 All reports of harassment and/or sexual misconduct will be taken very seriously by the University with the default action being that **the reporting student will be believed.**

10.2 As stated in paragraph 3.3, research suggests that the impression of the public is that false allegations of sexual violence are common and that innocent people suffer as a result of being wrongfully accused. In truth, false allegations of sexual violence are reportedly no more common than they are for other crimes, and the perception that they are more common can and does harm victims/survivors or prevent them from making disclosures.

10.3 However, the University has to recognise that malicious or vexatious complaints could be made and in instances where there is evidence of this, appropriate disciplinary action may be taken

against the reporting student making the false allegations, in accordance with the [Student Code of Conduct](#) and [Disciplinary Procedure for Students](#).

10.4 Reports of harassment and/or sexual misconduct not accompanied by evidence or not proven in an investigation will **not** be assumed to be false reports. Reported students or members of staff will be afforded the opportunity through any investigation to reply to the allegations against them, including if they believe the allegations are malicious or vexatious.

11. Appropriate support - personal

11.1 Appropriate support is targeted at the needs of students involved in any way in an incident of harassment and/or sexual misconduct, including but not limited to during an investigatory and decision-making process. This means that support will be offered irrespective of whether the student decides to formally report the incident.

11.2 If students have been subject to harassment and/or sexual misconduct by individuals who are neither staff nor students the University would have less influence but would still be able to take significant and credible steps to protect students through offering appropriate support.

11.3 Types of appropriate support would include providing information regarding procedures, offering counselling, mental health services, welfare and wellbeing services and assisting in accessing external services available. The support of a SVLO may also be offered.

11.4 Appropriate support would be available for the reporting and reported student (and potentially any witnesses). Caution would be exercised in the event of both the reporting and reported student requesting support, particularly if precautionary measures (for example ensuring neither are in the same place at the same time) are in place. In these instances external support may have to be considered and support for the reported student may have to take place via online meetings if such measures are in place.

11.5 In cases of disclosure of sexual assault or rape, if using the services of the SVLO, the reporting student will probably be signposted to the Sexual Assault Referral Centre (SARC) and advised that they can attend this centre even if they are unsure about whether they want to report the incident.

11.6 The student will also be signposted to a suitable local charity such as First Light who support victims of sexual violence in Plymouth or Trevi who work with highly stigmatised and traumatised women in a way that supports their dignity. There are also charities who support those students who may be male, non-binary or from specific LGBTQ groups.

12 Appropriate support - academic

12.1 As above for personal support, appropriate support is targeted at the needs of students involved in any way in an incident of harassment and/or sexual misconduct, including but not limited to during an investigatory and decision-making process. This means that support will be offered irrespective of whether the student decides to formally report the incident.

12.2 In this case academic support, including in relation to decisions about attendance, continuation, suspension or cessation of study will be offered in addition to flexibility around admissions such as the [Extenuating Circumstances Procedures](#) being used with evidence usually able to be supplied by the Student Support team or the person leading any investigation.

12.3 This section applies to both reporting and reported students.

13. Individual Responsibilities

13.1 Students have a responsibility to treat others with respect and dignity and to contribute to preventing all forms of harassment, discrimination, bullying or victimisation through self-awareness, and by supporting other students who experience such difficulties by:

- challenging all discriminatory, harassing or inappropriate conduct and attitudes, within freedom of speech laws
- challenging gossip and rumour, which can contribute to discriminatory or harassing conduct
- for students, informing student reps, lecturers, course leaders or other appropriate members of staff, confidentially, when incidents occur that cause concern

14 Non-disclosure agreements (NDAs)

14.1 AUP does not and has never used non-disclosure agreements in cases of harassment and sexual misconduct and supported the sector-wide ban on non-disclosure provisions (where they cover allegations of harassment or sexual misconduct) that came into force on 1 September 2024.

15 Data Protection, monitoring and record keeping

15.1 The University, through the Head of Compliance & Quality Systems, maintains a central record of all complaints and student disciplinary incidents to analyse trends and to effectively engage in prevention and quality enhancement initiatives, as well as to ensure accurate historical accounts in case of any future requirement arising to review cases and actions taken.

15.2 Any reports made or notes taken at disclosure or reporting meetings will be held in the strictest confidence and only seen by those who need to know as part of their role in proceedings, such as the investigator or those staff sitting on a disciplinary panel.

15.3 If disclosures are made in counselling those records will only be accessible by the counsellor and the Head of Student Support.

15.4 If disclosures are made within Student Support, such as during a wellbeing appointment the details of any incident will not be included - only that there was an incident and these notes will be held within welfare notes, accessible only by a small number of staff (Student Support team, Academic Registrar, Head of Compliance & Quality Systems) on a need to know basis.

15.5 All records are maintained in accordance with the University's [Records Retention Schedule](#) and Data Protection Policy and statistical analysis may be provided to external agencies such as the Office for Students on request or as a Freedom of Information request.

15.6 Summary reports are made to University committees and the Board of Governors, with all such reports anonymised so records will only indicate for example [a 2nd year HE student] and not state the student's name or course. The report is for data trends and limited to the overall nature of cases rather than specific details such as '2 cases of harassment and one case of sexual assault'.

15.7 While the principles of the GDPR UK are followed, data protection laws must not be used as a barrier to fair treatment of students. The data protection Act doesn't override other responsibilities the University has. It has to be balanced with the Human Rights Act, with the Equality Act – which is likely the most relevant in this situation because it gives people an equal right to access education on the basis of protected characteristics.

15.8 No personal data will ever be disclosed externally with the **only** exception being if specific information is requested through a GDPR UK exemption from a prosecuting authority (under Schedule 2 Part 1 paragraph 2 of the Data Protection Act 2018 and GDPR Article 6(1)(d)). In these cases it is usually the date of birth and contact details (address / phone numbers) that are requested.

15.9 This policy will be further reviewed and updated in the event of any major legal or sector changes.

15.10 Other accessible formats may be available on request.

Appendix 1

Definitions in Law

The following are definitions by law relating to **Harassment**:

1 Consent

- Consent is defined by section 74 of the Sexual Offences Act 2003
- [Consent](#) means everyone agreeing to what's happening by choice, and having the freedom and ability to make and change that choice. Sex without consent is rape
- someone consents to a sexual act only if they agree by choice and have the freedom and capacity to make that choice
- Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to penetration with conditions, such as wearing a condom
- Consent should be clearly and freely communicated, and it cannot be given by individuals who are:
 - underage (under 16 in the UK) - the law is to protect children from abuse or exploitation, rather than to prosecute under-16s who take part in sexual activity that everyone has agreed to.
 - intoxicated or incapacitated by drugs or alcohol
 - asleep or unconscious
 - under pressure of intimidation or threat - unequal power dynamics may mean that consent cannot be freely given
- Consent can be withdrawn at any time during sexual activity and each time activity occurs.
- the law says anyone under the age of 13 can never legally give consent to any form of sexual activity
- the law gives extra protection to young people who are over the age of consent (16) but under 18.
- [NSPCC](#) refers.

2 Harassment (as defined by Section 26 of the Equality Act 2010 and Section 1 of the Protection from Harassment Act 1997)

- includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, a protected characteristic: age, disability, gender reassignment, race, religion or belief, sex or sexual orientation. *[Note: Marriage and civil partnership and pregnancy and maternity are not relevant protected characteristics for these purposes].*
- the OfS and AUP also understand harassment to include domestic violence and abuse (which can also involve control, coercion, threats), and stalking.
- we would also consider harassment to include any
 - incidents of physical violence towards another person(s) on the basis of a protected characteristic, and
 - hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion

or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

3 **Stalking** (from www.police.uk).

- stalking is like harassment, **but it's more aggressive**.
 - the stalker will have an obsession with the person they're targeting
 - it could be someone you know, ex-partner or friend or might be a stranger
- stalking may include:
 - regularly following someone
 - repeatedly going uninvited to their home
 - checking someone's internet use, email or other electronic communication
 - hanging around somewhere they know the person often visits
 - interfering with their property
 - watching or spying on someone
 - identity theft (signing-up to services, buying things in someone's name)
- it can be regarded as stalking if the unwanted behaviour has happened more than once
- the **FOUR** warning signs of stalking:
 - If the behaviour you're experiencing is:
 - **Fixated - Obsessive - Unwanted - Repeated**

Note on online stalking and harassment

Social networking sites, chat rooms, gaming sites and other forums are often used to stalk and harass someone, for example:

- to get personal information
- to communicate (calls, texts, emails, social media, creating fake accounts)
- damaging the reputation
- spamming and sending viruses
- tricking other internet users into harassing or threatening
- identity theft
- threats to share private information, photographs, copies of messages.

The following are definitions relating to **non-consensual offences** (taken from www.cps.gov.uk)

4 **Rape** (Sexual Offences Act 2003 Section 1)

- rape involves penetration of the vagina, anus or mouth by a penis, therefore a woman can only commit this offence as an accomplice.
- rape is a crime of basic intent, and drunkenness is not a defence.
- rape is an indictable only offence and carries a maximum of life imprisonment.

5 **Assault by penetration** (Sexual Offences Act 2003 Section 2)

- there must be penetration of the vagina or anus but not the mouth
- penetration can be with any part of the body (e.g. finger, tongue, toe) or by anything else (e.g. bottle)

- this offence should be charged where, by virtue of the fact that the complainant is unsure if penetration was by a penis or something else, there is insufficient evidence to charge rape
- assault by penetration is an indictable only offence and carries a maximum of life imprisonment.

6 Sexual assault (Sexual Offences Act 2003 Section 3)

- sexual assault is when someone touches you sexually without your permission, with an object or body part
- the [legal definition of 'sexual'](#) depends on whether a 'reasonable person' would consider something sexual
- it is also an offence if someone gets you to do or see something sexual without your permission.

Appendix 2

Applicable legislation

The following legislation can apply for this policy:

- Sexual Offences Act 2003
- Equality Act 2010
- Criminal Justice and Courts Act 2015
 - Example: Distributing private and personal explicit images or video footage of an individual without their consent (see Online Safety Act below)
 - These changes in the Criminal Justice Bill will build on the existing [‘upskirting’ offence](#), making it a criminal offence to
 - intentionally take or record an intimate image or film without consent or a reasonable belief in consent
 - take or record an intimate image or film without consent and
 - with intent to cause alarm, distress or humiliation; or
 - for the purpose of sexual gratification
- Safeguarding Vulnerable Groups Act 2006
 - as amended by the [Protection of Freedoms Act 2012](#)
- Stalking Protection Act 2019
- Protection from Harassment Act 1997 (Section 1)
- Data Protection Act 2018 (implementing UK GDPR)
- The Worker Protection (Amendment of Equality Act 2010) Act 2023 places increased responsibility on businesses to take 'reasonable steps' to prevent sexual harassment in the workplace, as defined in the Equality Act 2010.
- Online Safety Act 2023 Section 66B
 - Following the campaigning of Love Island star Georgia Harrison, ex-partners and other abusers who share, or threaten to share, intimate images on or offline without the consent of those depicted will face jail time under new offences from 31 January 2024.
 - Individuals **creating or designing intimate images of another person "using computer graphics or any other digital technology"** for the purposes of causing alarm, distress or humiliation to the person, may face a criminal record and an unlimited fine. The offence does not require perpetrators to intend to share the image, but if they do so, they may also be charged under the offence for sharing an intimate image and may face up to 2 years' imprisonment. It is noted that the consent of the subject is a valid defence for both 'making' and 'sharing' offences in relation to sexually explicit deepfakes.
- Data Protection Act 2018 (incorporating UK GDPR)
- Higher Education (Freedom of Speech) Act 2023
- Education Act 1986 (Section 43 - freedom of speech)

Appendix 3

Definitions specific to OfS Condition E6

E6.11 For the purposes of this condition E6:

- 1) **'abuse of power'** means a situation where a **relevant staff member** exploits a position of power in relation to a student so as to apply pressure in a way which:
 - a) may result in the student doing something, or refraining from doing something, that they may not have otherwise done; and
 - b) that action or inaction could reasonably result in something that falls within the scope of an **intimate personal relationship**.
- 2) **'appropriate support'** means the effective deployment of assistance, including but not limited to:
 - a) support targeted at the needs of students involved in any way in an incident of harassment and/or sexual misconduct, including but not limited to during an investigatory and decision-making process;
 - b) personal support, including in the form of counselling where appropriate;
 - c) academic support, including in relation to decisions about attendance, continuation, suspension or cessation of study.
- 3) **'appropriately informed to ensure understanding'** includes, but is not limited to ensuring that:
 - a) students understand the content of the single comprehensive source of information required by paragraph E6.2 when they register at the start of each year of study; and
 - b) induction sessions for new students contain training to ensure they understand behaviour that may constitute harassment and/or sexual misconduct.
- 4) **'appropriately trained'** means staff have and maintain:
 - a) up-to-date understanding of the content of the single comprehensive source of information required by paragraph E6.2 and all the requirements of this condition;
 - b) up-to-date understanding of behaviour that may constitute harassment and/or sexual misconduct;
 - c) the required knowledge and skills to support students who:
 - i) wish to make allegations or complaints about harassment and/or sexual misconduct;
 - ii) have alleged and/or experienced incidents of harassment and/or sexual misconduct; and
 - iii) are the actual or alleged perpetrators of incidents of harassment and/or sexual misconduct; and
 - d) the required knowledge and skills to undertake investigations or make decisions in relation to incidents of harassment and/or sexual misconduct.
- 5) **'ban on intimate personal relationships'** means a policy or rule which provides for both of the following elements:
 - a) with the exception of excluded relationships, any relevant staff member is prohibited from having an intimate personal relationship with one or more students; and

- b) any breach of such prohibition by a relevant staff member would result in the provider taking appropriate steps in line with its usual disciplinary process, including the possibility of the breach resulting in dismissal of the relevant staff member.
- 6) **'capacity and resources'** includes, but is not limited to:
 - a) the financial resources of the provider;
 - b) the number, expertise, and experience of the staff employed or contracted by the provider; and
 - c) the resources deployed by the provider to undertake investigations or make decisions in relation to incidents of harassment and/or sexual misconduct.
- 7) **'comprehensive source of information'** means:
 - a) a single document or webpage that comprehensively sets out all the information required in order to comply with E6.2 and E6.3; or
 - b) a single document or webpage that gives a clear summary of the information required by E6.2, complies with E6.3, and links to additional documents that comprehensively set out the remaining relevant detail as required by E6.2 and E6.3. If the provider adopts this approach, the single document or webpage must include a summary of the content to be found by following these links.
- 8) **'content principles'** means the following requirements:
 - a) the provider may include other additional information and provisions in the single comprehensive source of information in addition to the minimum content requirements, but such other information and provisions must:
 - i) not contradict, undermine or conflict with the minimum content requirements; and
 - ii) be subject to a provision which makes it expressly clear that the minimum content requirements take precedence over any other information and provisions;
 - b) the provider must not include information and provisions on subject matter relating to harassment and/or sexual misconduct (and/or any subject matter of a similar nature to matters covered by those defined terms) in any other documents which could reasonably be considered to contradict, undermine or conflict with the minimum content requirements.
- 9) **'excluded relationships'** means any ongoing intimate personal relationship that:
 - a) existed before the date this condition comes into force and that remains in existence; or
 - b) existed before the date that the staff member became a relevant staff member in relation to that student.
- 10) **'freedom of speech principles'** means the following requirements:
 - a) irrespective of the scope and extent of any other legal requirements that may apply to the provider, the need for the provider to have particular regard to, and place significant weight on, the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context or environment, including in premises and situations where educational services, events and debates take place;
 - b) the need for the provider to apply a rebuttable presumption to the effect that students being exposed to any of the following is unlikely to amount to harassment:

- i) the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures;
 - ii) statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.
- 11) **'harassment'** has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act).
- 12) **'incidents'** includes, but is not limited to, circumstances where:
 - a) allegations or complaints are made to the provider about harassment and/or sexual misconduct; and
 - b) the provider could reasonably be considered to have grounds for suspecting that harassment and/or sexual misconduct has taken place or is taking place.
- 13) **'intimate personal relationship'** means a relationship that involves one or more of the following elements:
 - a) physical intimacy including isolated or repeated sexual activity; or
 - b) romantic or emotional intimacy.
- 14) **'minimum content requirements'** means comprehensive and easy to understand provisions in respect of:
 - a) in addition to any other steps required by virtue of the condition, multiple steps which could (individually or in combination) make a significant and credible difference in protecting students from behaviour that may amount to harassment and/or sexual misconduct, including, but not limited to, steps that may reduce the likelihood of harassment and/or sexual misconduct taking place;
 - b) the ways in which students, staff and other persons are able to report behaviour that may amount to harassment and/or sexual misconduct to the provider;
 - c) how information received or obtained in connection with incidents of harassment and/or sexual misconduct will be handled sensitively and used fairly;
 - d) how the provider ensures that students are appropriately informed to ensure understanding;
 - e) the appropriate support that will be provided to students in response to incidents of harassment and/or sexual misconduct. This includes, but is not limited to, students who have alleged and/or experienced incidents of harassment and/or sexual misconduct and actual or alleged perpetrators;
 - f) how the provider ensures that staff and other persons responsible for receiving information about, investigating, or taking decisions on, matters relating to incidents of harassment and/or sexual misconduct are appropriately trained;
 - g) how the provider ensures that investigations undertaken and decisions made in respect of incidents of harassment and/or sexual misconduct are credible, fair and otherwise reflect established principles of natural justice;
 - h) how the provider ensures that persons directly affected by any decisions made in respect of incidents of harassment and/or sexual misconduct are directly informed about the decisions and the reasons for them. This includes, but is not limited to, persons who have alleged and/or experienced incidents of harassment and/or sexual misconduct and actual or alleged perpetrators.
- 15) **'prominence principles'** means the following requirements in respect of the single comprehensive source of information required by paragraph E6.2:

- a) the single comprehensive source of information is published in a prominent position in an area of the provider's website which is easily accessible by students and those considering applying to be students without the need for any form of password or security check;
 - b) a clear and easy to understand statement about the existence of the single comprehensive source of information, the nature of its content, and how to access it is:
 - i) communicated directly to all students and staff in writing at least once each calendar year; and
 - ii) set out in the main documents designed to promote the higher education services available from the provider (for example, any document that is commonly known as a prospectus);
 - iii) set out in any documents that are designed to provide a collection of useful information about rules, policies and procedures for students and staff (for example, any documents that are commonly known as student handbooks and staff handbooks).
- 16) '**relevant staff member**' means a member of staff who has direct academic responsibilities, or other direct professional responsibilities, in relation to that student.
- 17) '**restricting provisions**' means any provisions that have the object or effect of preventing or restricting any student from disclosing information about an allegation of harassment and/or sexual misconduct, which in any way involves or affects one or more students, to any other person.
- 18) '**staff**' includes but is not limited to employees and contractors.
- 19) '**sexual misconduct**' means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:
- a) sexual harassment;
 - b) sexual assault; and
 - c) rape.
- 20) '**students**' includes, but is not limited to, persons who are registered on a higher education course and, at any point in time within the overall duration of that higher education course, are employed by, or otherwise providing services to, a higher education provider.

Appendix 4

Student disclosure - if you have been the victim of harassment and / or sexual misconduct

1. Experiencing any form of harassment or sexual misconduct is harmful and causes distress and it is recognised that some students may not initially recognise this, or may need to wait some time before making a formal report. Because of this, unlike for other forms of complaints, there is no time limit within the University for making a report of this nature. Students are encouraged to report formally if possible but there is also an anonymous reporting system - to help us keep other students and staff safe.

If you have been the victim of harassment and / or sexual misconduct ...

2. Following disclosure or formal reporting you will be invited to meet with Student Support and / or a Sexual Violence Liaison Officer (SVLO). There is currently one male member of staff qualified - there is no obligation to meet and if preferred you may meet with a member of staff from Student Support, requesting male or female if preferred.

3. Options will be provided if not done so already but neither the SVLO nor Student Support staff will tell you what action to take (for example going to the police); the decision as to whether to proceed with reporting to the police and / or a formal University investigation or taking no further action must be made by you alone - we will not formally investigate the incident nor inform the reported student until you agree, except in cases of safeguarding, such as if a child or vulnerable adult is at risk. Any action taken will be handled sensitively to protect you and other parties.

4. If you decide not to give consent for the reported student or staff member to be informed of the allegation against them, an investigation will not proceed except in cases of safeguarding risk, as stated above.

5. If you give consent for the allegation to be shared with the reported student or staff member, but do not want your identity shared, we will consider the practical implications of this (e.g. whether there is sufficient evidence and opportunity for the reported student or staff member to be able to reply to the allegations). If an investigation does take place, it may not be possible to prevent the reported student or staff member from knowing your identity especially if, for instance there were no other witnesses.

6. If you give consent for an investigation against another student a suitable Investigating Officer will be selectively appointed and an impartial investigation would be conducted in accordance with the Disciplinary Procedures for Students.

7. The reported student will be offered guidance and support throughout the investigation and we would not presume the case to be proven at this stage. The SVLO may support the reported student only if you decide not to be supported by them; they cannot support both of you but you as the victim will take priority. In this case, alternative support would be sought for the reported student, such as by a Student Support member not already involved or through liaison with another local HE provider.

8. In the case of a formal investigation against a staff member the Staff Discipline Policy and Procedure will be followed. A decision on how to proceed will be taken by a senior member of staff such as a member of the Vice-Chancellor's Executive. They will be assisted by the Head of Human Resources and the Head of Compliance & Quality Systems, unless they are already involved as the SVLO. The reported staff member's line manager/team leader may also be notified. A Human Resources staff member will guide and support the member of staff throughout the investigation and we would not presume the case to be proven at this stage.
9. A reported staff member may also be supported by their trade union (if they are a member). An Investigating Officer would be selectively appointed and an impartial investigation would be conducted in accordance with the Staff Disciplinary Procedures.
10. If you do not consent to an investigation to take place appropriate support can still be provided, which may relate to personal or academic matters.
11. Following an investigation against a reported student, should the University find the allegation to be proven, and a breach of the Student Code of Conduct, sanctions may be placed upon them in accordance with the Disciplinary Procedures for Students. Penalties range up to and including permanent exclusion from the University.
12. There may be certain circumstances where we feel the need to take appropriate action to prevent potential harm or unpleasantness to you or others at the University even if you do not consent to an investigation. Where this is the case, the reasons for taking such action will be fully explained to you.
13. If deemed appropriate for an investigation, precautionary measures may be put in place such as suspension of the reported student or staff member, usually for the entirety of the investigation. This is not an indication that the allegation is proven but is to protect both you and the reported parties.
14. If there is a police investigation at the same time, this will usually take priority with the University taking action after police action is complete. Precautionary measures as described above may still apply depending on the circumstances. Full details are in the respective Disciplinary student and staff procedures.
15. You will be updated at regular intervals as to progress and immediately when any decisions are made.

Appendix 5

Advice on handling a disclosure of harassment and / or sexual misconduct - for all staff members and other students

1. A student might disclose something to you that happened recently or some time ago and your approach to responding to this may vary (but please don't assume the disclosure is about something that happened very recently).
2. Students wishing to disclose an incident or case of harassment and/or sexual misconduct may approach another student or a member of staff they feel comfortable talking to and make a disclosure. Check that the student is safe, if they are in danger or in need of immediate medical attention, call 999.
3. If the reporting student consents, take notes (even on a phone if necessary). Let them use their own words: do not try to fill silence or replace their words with your own and ensure any notes you make reflect exactly what the student said, even if it includes swearing/words you wouldn't use yourself or feel uncomfortable repeating.
4. For instance, if the student says *"s/he had sex with me, but I didn't want to"*, do not write *"s/he was raped"* nor should you use leading questions such as asking *"are you saying you were raped?"*. Anything the student tells you, if they later decide to go to the police, could be used as evidence to support a conviction and you could be called as a witness (with the University's support). Let the student know we support them - an example below:

"Thank you for telling me this, I am so sorry to hear this happened".
"We will support you and will be led by you as to what, if anything, happens next".
"There are experienced, professional and kind staff such as a Sexual Violence Liaison Officer and those in Student Support within the University and also organisations outside of the University who can help you with this. Would you like to meet with any of them?"
5. Understand why a student might want to talk to someone at the University, for example:
 - they might want support
 - they might feel unsafe if the reported person is a member of staff / a student
 - They might want to know what to do, even if the reported person is not someone connected to the University
 - They might be worried about the impact on their wellbeing and/or academic progress
6. Explain what the University could do next:
 - With the student's consent, the incident could be reported formally using their name or [anonymously](#) and an investigation can be started (via complaints or disciplinary procedure)
 - Regardless of any investigation, we can offer advice and support through the SVLO and / or Student Support and helping them with both their academic progress and their wellbeing (they do not have to make a formal report in order to submit an

extenuating circumstances claim nor to access emotional / wellbeing support or counselling)

- Refer the student to appropriate support networks such as First Light
- If the student agrees, you could walk with them to see someone in Student Support and ask to speak in confidence to them about what has happened – this might depend on the nature of the incident and how recently it took place
- Alternatively you could signpost them to the online reporting systems or the referral form for mental health and counselling
- If the student has been very recently sexually assaulted, make them aware of the Sexual Assault Referral Centre (Appendix 6) and the local charity First Light (the SVLO and / or Student Support will also do this)
- Let the student know that you are there to support them but leave it up to them whether they want to check in again afterwards - or check with Student Support first
- if they wish, allow this to be the one and only time they discuss the incident; some victims will want to tell someone but then not want to discuss the incident again or take further action
- Look after your own wellbeing after such a disclosure: disclosures can be received by anyone, and it's a sign of trust that the person has told you. But, speak to your line manager if you are staff (or lecturer / Student Support if you are a student receiving a disclosure) or take action to access support for yourself afterwards. HR may also signpost to an appropriate service within the Care First organisation.

Appendix 6

FAQs

Can harassment and/or stalking also be sexual misconduct?

Yes, sexual misconduct is not only rape or sexual assault. Stalking and harassment may include behaviours that cause you to fear that sexual violence might be used against you.

Should I report harassment and / or sexual misconduct if I witness it?

In the event of a third party (e.g. another student / a friend) disclosing an incident of this nature on behalf of someone else, this person will be advised about the options for reporting and available support and we will support this person to help the victim/survivor access this information.

Ultimately if the victim/survivor does not want to access support or make a report, this is their choice.

Students should report any form of harassment and / or sexual misconduct using our [online reporting tool](#), which has the option to report anonymously.

I feel threatened or unsafe on a date. Is there anything I can do?

Code-word '**Angela**' can now be used to alert bar staff in Plymouth pubs and clubs if you feel threatened or unsafe on a date, including the Student Union Bar. Devon and Cornwall Police, bars and students worked together to launch this joint campaign to help people to stay safe while dating in pubs and clubs in Plymouth. [Ask for Angela](#). You can also download and use the [Safezone App](#) which enables you to alert any danger you may be in.

How do I report an incident of sexual violence or misconduct?

Students should report SVM either in person to someone they trust (staff or fellow student), or using our [online reporting tool](#).

Once a report has been made, the reporting student (if they choose not to be anonymous) will be contacted by either the SVLO or someone from Student Support. A time-limit is not stipulated here as the inbox is not monitored 24/7 but an alert is received and this will be very quickly actioned.

If the reporting student wants to make a report but does not want any further action, such as an investigation, we will offer appropriate support for the student. The primary focus will be to support the student so that they can carry on with their academic studies. The only instance we might take action without the reporting student's consent is where there is a safeguarding concern / risk to others.

If the student wishes, they may report the incident to the police, regardless of whether they want to report to the University. A decision not to report to the police does not prejudice any University response to a student report and the University will only provide advice and will not prompt any student (or staff member) to notify the police. The University may be able to circumvent the process by contacting a named Sexual Offences Liaison Officer in Devon & Cornwall Police directly for no-obligation advice

Will the other student or staff member be informed I have made a complaint against them?

Consent is requested from any reporting student or witness before their statement / allegations are put to the reported student or staff member. Your name will not be disclosed to the reported student or staff member without your consent.

There may be times when a reporting student and/or witness gives consent to take a complaint forward but wishes to remain anonymous. This does not mean that the complaint won't be taken forward as there may be instances where a piece of evidence is sufficient to take forward an anonymous complaint or witness statement, for example a screenshot of a group chat.

What if I don't want to report an incident?

Ultimately if a victim/survivor does not want to make a report, this is their choice. Disclosing an experience of harassment and / or sexual misconduct will likely be incredibly difficult. Taking the step to disclose these incidents takes courage, and resilience and we will always listen to people who make disclosures and offer them appropriate support.

A student can disclose an incident but not make a formal report. They may still access support from University services. A member of staff receiving a disclosure will not make a named report or instigate an onward referral without the student's consent, except where concerns about safeguarding arise, in which cases members of staff may have a professional duty to make a formal report and the student will be made aware of this before action is taken. The student should be given the opportunity to meet with the SVLO.

What is a SARC?

A Sexual Assault Referral Centre, known as a SARC, is a place where anyone who has been raped or sexually assaulted can go for specialist medical and forensic services. A rape or assault may leave visible or forensic evidence, and while preserving evidence may be the last thing on your mind in the aftermath of an attack, if you are able to go to a SARC, they should be able to provide specialist medical and forensic services free of charge for anyone who has been raped or sexually assaulted.

See also Appendix 7. You can find a SARC near you:

<https://www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault/>.

If you make a police report they will usually refer you to a SARC as it is important to preserve evidence as soon as possible after the incident however any evidence taken will be kept for two years and you are **under no obligation** to report to the University or make a formal report to the police if you visit a SARC.

Can the University still take action if the police do not take the case forward?

If the reported person is a fellow student or staff member, you can report them to the University, since their conduct may be a breach of the student or staff code of conduct and has a different burden of proof to the criminal court. The police not taking the case forward does not prejudice any University response to a student report. The University has the power to impose a range of sanctions on a student or staff member who has breached the code of conduct, including suspension, exclusion or dismissal, and campus access and contact restrictions.

Some people feel strongly about reporting misconduct to their college or university, because they fear a repeat of the misconduct, either towards themselves or others, or because they want the incident formally acknowledged and some action taken.

In cases where it is one person's word against another's (with no other witnesses and no sufficient evidence / admission of the misconduct), an investigation will still take place. However, the outcome may not be to the satisfaction of the reporting student such as the case not being proven and no action taken against the reported student. This does not mean that the reporting student was not believed and they will continue to receive any support needed.

Is there a time limit on reporting harassment and / or sexual misconduct?

Experiencing incidents of this nature can be very harmful and students may not initially recognise this harm, or may need to wait some time before making a formal report. Because of this, there is no time limit within the University for making a report of this nature, and we encourage students to report (either anonymously or with their name), to help us keep other students and staff safe.

I have been accused of harassment and / or sexual misconduct - what happens to me now?

While the University will support the reporting student it will also support you as the reported student. As a precautionary measure occasionally those accused of certain misconducts will be suspended during part of, or all of, the investigation period, depending on the circumstances. This is not an assumption of the case being proven and there is an opportunity to appeal. Any student suspended as a precautionary measure will be supported in their academic studies where possible with extenuating circumstances.

Respondents will be interviewed as part of the investigation and you will be given the opportunity to provide your own witnesses at any disciplinary meeting / panel and provide

your own evidence and may be supported by the Student Union or another member of staff or a fellow student. You may also be supported by a SVLO provided they are not already supporting the reporting student.

Was I to blame?

Sometimes people are afraid to speak to the police because they were voluntarily taking drugs or drinking alcohol before the offence happened. Sometimes they have little or no recollection of what has happened. They may have a criminal record, and worry that the authorities won't treat them fairly. They might be worried that no one will believe them.

Remember, no matter who you are, how long ago the assault happened or what took place, our prime concern is to give you the support you need. We'll listen, understand and guide you through the support process at a pace you're comfortable with, whilst respecting your wishes. If you were raped or the victim of any form of sexual violence you were not to blame.

Appendix 7

The role of the Sexual Violence Liaison Officer (SVLO)

1. We understand that seeking advice and support after an incident of sexual violence can be a very difficult and personal decision. This is why the University has established a specialised support service for students who have experienced sexual violence. The University currently has a qualified Sexual Violence Liaison Officer (SVLO) to support students who have experienced sexual harassment, sexual violence and/or relationship abuse, either recently or in the past (including before university). The SVLO treats each case with sensitivity and respect.
2. The SVLO will listen empathically without judgement. They will be able to talk to you about the support available and discuss reporting options. The SVLO can also liaise with external organisations and other university staff/services on your behalf.
3. If you are not sure what has happened to you, or how it might be viewed, it can be very helpful to access the service and talk to the SVLO. You can also access support even if it wasn't you that was directly affected.
4. The current SVLO is male but we hope to have a female staff member trained in the future. If you would prefer to be supported by a female the SVLO can liaise with Student Support and may be able to provide support with assistance from a female member of that department. Students can choose how to communicate with the SVLO, whether by email, phone, video call, or face-to-face appointment.
5. The SVLO service is confidential.

If you have been affected by sexual harassment / misconduct we strongly urge students to access help and support from this service.

1. Submit a disclosure via the [online reporting tool](#) or email report@aup.ac.uk providing contact details and receive an automated response informing you that you will be contacted shortly.
2. You will be contacted by the SVLO and asked if you would like to arrange a time to talk, either in person, by email, phone or Google Meet. An appointment time will be agreed for a meeting.
3. At your meeting, the SVLO will discuss the support available to you, from the University and external specialist services. They will also explain the reporting options available to you both within the University (where relevant) and externally. Support will be offered regardless of whether you chose to report or not.
4. If there are concerns about your safety, these will be considered carefully, and precautionary measures will be discussed with you.
5. The SVLO will follow up your meeting with an email confirming what was discussed as well as further support information.
6. A follow-up appointment will be made if required, and where agreed, your SVLO will be in touch regularly to see how you are and to discuss any ongoing concerns or support you might need.
7. Alternatively, the SVLO may be approached via third party such as Student Support.

Appendix 8

The Role of the Sexual Assault Referral Centre (SARC)

1. Across the UK there are Sexual Assault Referral Centres (SARCs). These are specialist medical and forensic services for anyone who has been raped or sexually assaulted.
2. The Plymouth SARC is in new premises that provide improved 24 hour access to counselling and services including; better car parking, a state of the art adult forensic facility, as well as access to support staff and medical services at any time of the day or night. This can be with or without the need for police involvement.
3. The Plymouth SARC is located at [Hawthorne House](#), a safe location in Estover. Plymouth residents can access the full range of SARC services by calling 0300 3034626 or by using the quick [online referral form](#).
4. All of the SARC staff are specially trained to support anyone who experienced rape or sexual assault. This could have been recently or in the past. You will always be believed and treated with the utmost dignity and respect.
5. The Plymouth SARC provides support and services to males and females of any age and the services they offer include:
 - [Crisis worker](#) support for victims
 - Forensic medical facilities and examination
 - [Sexual health](#) and contraception information and referral services. [Advice on sexual health in Plymouth](#).
 - Follow-up emotional and practical support from an independent advisor ([ISVA](#))
 - Information about reporting to the police or sharing information anonymously
 - Information and referral to other support services in the area
 - Advice about personal safety
 - Referral to their counsellor

There are also Devon & Cornwall SARCs in [Exeter](#) and [Truro](#).

To find a SARC in another region, visit the Rape Crisis website:

<https://rapecrisis.org.uk/gethelp/looking-for-information/sexual-assault-referral-centres-sarcs>

/ - this also provides information on forensic medical examinations

When visiting a SARC, you can take a friend or trusted person with you, if you wish, or you can visit alone.

When to visit a SARC? Any time after any sexual assault or rape. However, 7 days is usually the longest time that forensic evidence can reliably survive. After this time, no matter how long ago the incident occurred, the SARC can still help with sexual health care, counselling, advice and support (but cannot gather forensic evidence).

SARCs are for men, women and children, regardless of age, sexuality or gender, you will be believed and treated with dignity and respect.

What will it look like?

To see a video tour and hear from a Crisis Worker, visit this webpage: [Plymouth's new SARC](#)
(Plymouth Live 6 Feb 19)

Even if a victim/survivor doesn't want to report to the police, forensic evidence can be held for up to 24 months, with their agreement, in case they decide to report later.

Appendix 9

Continuum of inappropriate behaviour

The order of the behaviour listed below is not necessarily to imply seriousness. The behaviours are listed to illustrate that they are interconnected and often originate from similar patterns of belief.

Non-physical contact

Following another person without good reason, with no threatening or abusive behaviour
Making a single remark (in person/online/other means) of a sexual nature, without meaning to cause offence
Pattern of coercive or controlling behaviour including domestic abuse
Recording, sharing and/or distributing intimate images or recordings of another person without their consent
Arranging or participating in events which may be assumed to cause degradation and humiliation to those who have experienced sexual violence
One off acts of nudity involving inappropriate display of sexual organs to others, not focused upon any individual and not in contravention of the Safeguarding Policy
Frequent or repeated failure to comply with disciplinary recommendations, decisions, sanctions
A conviction of a criminal offence or a police caution in relation to behaviour that falls within the scope of the HSM Policy

Physical contact

Sexually touching someone without their consent
Kissing another person on the hand or cheek without consent, where force or harassment was not evident
Kissing someone without their consent, with evidence of using force
Sexual acts under pressure, e.g. when one person complies to “keep the peace” or avoid negative consequences
Attempting to engage or engaging in a sexual act without consent, including rape

Appendix 10

Support Services

Internal support services

Student Support - well-being, counselling, mental health, external signposting
studentsupport@aup.ac.uk

Registry - finances, extenuating circumstances
studentfinance@aup.ac.uk / registry@aup.ac.uk

Student Union - advice and signposting
studentsunion@aup.ac.uk

Initial rape / sexual assault services

Government page: **Report rape or sexual assault:**
<https://www.gov.uk/report-rape-sexual-assault>

NHS Choices Search
[Find rape and SARC services](#)
111

NHS after rape and sexual assault
[Help after rape and sexual assault](#)

Plymouth Rape Crisis Line
01752 223584

Devon Rape Crisis Line (not Plymouth)
01392 204174 / Email: support@devonrapecrisis.org.uk

Rape Crisis (national helpline)
0808 802 9999 / rapecrisis.org.uk (very good advice and definitions / examples)

Sexual Assault Referral Centre (SARC)
0300 3034626 - 24 Hours
Hawthorne House
Darklake View
Estover
Plymouth
PL6 7TL
[Get directions \(opens in Google Maps\)](#)

External support services and charities

The **University of Plymouth Medical Centre** - has professionals available to support students, more information (including registration) is online:

<https://plymouthstudenthealth.com/>

First Light - independent Sexual Violence Advisor (ISVA) for anyone wanting to access support following domestic abuse or sexual violence:

<https://www.firstlight.org.uk/> (there may be a waiting list for services)

03458 121212

Women's Aid - support for female victims/survivors of domestic abuse

<https://www.womensaid.org.uk/>

LGBTQ+ Helpline (The Intercom Trust) for advocacy and support - Supporting Lesbian, Gay, Bisexual and Trans+ communities since 1997

<https://www.intercomtrust.org.uk/> or 0800 612 6010

The Havens - for relatives and friends of someone who has been sexually assaulted

<http://www.thehavens.co.uk/>

NSPCC - Worried about a child contact our trained helpline for 24/7 advice and support 0808 800 500 or help@nspcc.org.uk

It does matter - Standing Together Against Violence Against Women and Girls (VAWG) and Non-Contact Sexual Offences

<https://www.itdoesmatter.org.uk/>

Not alone - provides support and advice for transgender and non-binary people in Plymouth. It has been set up to provide a safe place for sharing thoughts and feelings for those who need it.

<https://www.notaloneplymouth.co.uk>

Support for male & non-binary victims/survivors

Survivors UK - a charity dedicated to supporting male and non-binary survivors of sexual abuse and rape: <https://www.survivorsuk.org/>

Webchat or text 020 3322 1860

Operation Emotion - a Plymouth based charity dedicated to supporting male survivors of sexual abuse: <https://operationemotion.co.uk/>

Helpline: 07539 810096

Support for victims of domestic abuse - all

Plymouth Domestic Abuse Service

<https://www.sanctuary-supported-living.co.uk/findservices/domestic-abuse/devon/plymouth-h-domestic-abuse-services-pdas>

Simply Counselling - for domestic abuse

<https://www.simplycounselling.org/domestic-abuse/>

Police

Non-Emergency Number – 101 (email facility no longer available)

Emergency Number - 999

For those deaf or hard of hearing text 999 to send a message to the police using your mobile phone. You will need to register your mobile phone with the website at www.emergencysms.org.uk first. You can also text 67101 for non-emergencies.

PC TBC, University Neighbourhood Beat Manager, Charles Cross Police Station (details available from SU, Student Support or HoCQS)

You can also download and use the [Safezone App](#) which enables you to alert any danger you may be in.

Document Version Control	
Policy title:	Harassment and Sexual Misconduct Policy
Effective Date:	1 August 2025
Approving body / Date:	Academic Board 5 Mar 25 via VCE and SEEC
Version:	1
Supersedes:	Replacing Version 4 of Sexual Violence and Misconduct Policy and Dignity at Study Policy to reflect OfS Condition E6
Previous review dates:	N/A
Next review date:	December 2025
Changes this review	N/A
Related Statutes, Ordinances, & General Regulations	• Equality Act 2010 • Online Safety Act 2024 • Voyeurism (Offences) Act 2019 replacing Sexual Offences Act 2003 • Safeguarding Vulnerable Groups Act 2006 • Stalking Protection Act 2019 • Protection from Harassment Act 1997 • Data Protection Act 2018 (implementing GDPR May 18) • OfS Prevent & address harassment & sexual misconduct • DfE Sexual violence and sexual harassment between children in schools and colleges • Keeping Children Safe in Education 2018 (rev Apr 21)
Related policies:	• Safeguarding Policy • Equality, Diversity & Inclusion Policy • Disciplinary Policy (Staff)
Related procedures	• Non-academic Disciplinary Procedures for Students / Code of Conduct • Complaints Procedures for Students • Support for Study Procedure
Related information:	• Student Charter • Student Terms and Conditions • EHRC - Sexual Harassment & the Law: Guidance for Employers
Policy owner and Lead contact:	Head of Compliance & Quality Systems Email: jwright@aup.ac.uk