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POLICY ON SEXUAL MISCONDUCT

AND SEXUAL ASSAULT 2021-2024

You can talk to us

[www.chi.ac.uk/tellus](http://www.chi.ac.uk/tellus)

University: 01243 79 3477

Nurse Health Advisers: studenthealth@chi.ac.uk; 07739 983703

Students’ Union: supresident@chi.ac.uk or studentsunion@chi.ac.uk

Have you suffered **assault** or **harassment**?

Are you worried about someone?

#### What is sexual misconduct?

##### **Sexual misconduct** isany unwanted conduct of a sexual nature. It can occur in person, online (for example, by email, messages or on social media), by letter, telephone or text, or otherwise. Sexual misconduct includes, but is not limited to:

###### **Rape**, i.e. sex without consent, as defined within the Sexual Offences Act 2003.

###### **Sexual assault**: sexual touching of another person without their consent; or engaging, or attempting to engage in a sexual act with another individual without consent; or any unwanted physical sexual advances.

###### **Sexual harassment**: unwanted conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others, including making unwanted remarks of a sexual nature.

###### Exposing or inappropriately showing intimate parts of the body to another person, in person or through online means.

###### Recording intrusive, intimate or explicit images or recordings of a person without their consent.

###### Sharing intrusive, intimate or explicit images or recordings with third parties without consent.

###### Implied or open threats, intimidation, or promising payment or benefits in kind to gain sexual favours or gratification.

###### Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to other people, for example, those who have experienced sexual violence, such as inappropriately themed social events or initiations.

#### What is consent?

##### **Consent** is where a person willingly agrees to something, and that person has both the freedom and the capacity to make their own decision. In particular:

###### Silence, or a failure to say no or otherwise resist, is not consent.

###### Consent cannot be assumed on the basis of a previous sexual experience or previously given consent. Each new sexual act requires a re-confirmation of consent.

###### Once given, consent may be withdrawn by the individual at any time, including during a sexual act.

###### A person cannot give consent if they do not have capacity to consent. A person may not have capacity to consent due to their age, or due to a mental or developmental disability, or because of intoxication (e.g. being drunk or on drugs). A person that is asleep, not fully conscious (e.g. unconscious, semi-conscious, or in a state of intermittent consciousness), or in any other state of unawareness does not have capacity to consent.

###### A person’s consent is not valid if they have been coerced, forced, threatened, intimidated, misled or pressured into doing something, expressly or otherwise. Lying to a person about a sexual act, for example by saying you will wear protection and then failing to do so, may also void consent.

###### An imbalance of power can undermine consent. Given the inherent imbalance of power in the academic context, the University strongly discourages intimate relationships of any kind between staff and students. Further information on relationships between members of the University can be found in the University’s *Policy on Consensual Relationships*.

#### Our Commitment

##### The University of Chichester is committed to providing a positive and safe environment for all students and staff to study, live and work.

##### As a University, and as a community:

###### We will not tolerate any form of sexual assault, sexual misconduct or harassment.

###### We will promote an open culture and encourage reporting of incidents and concerns.

###### We will respond to all reported incidents in a supportive and constructive manner, investigating as appropriate, and applying sanctions where necessary.

###### We take our duty of care to our students and staff very seriously. We believe that no person should suffer the effects of sexual assault or sexual misconduct alone, and will ensure that there is appropriate specialist support available.

##### **If you have suffered a sexual assault, sexual misconduct, or harassment, or if you have concerns about a person or a situation, please raise the matter with one of the Nurse Health Advisers,** **the Director of Students, Support and Information Services, or another available member of Student Support and Wellbeing.**

##### Full details of how to raise a concern, and how the University will respond, are available in the *Sexual Assault and Sexual Misconduct: Procedure for Reporting and Investigation*.

#### Scope of this Policy

##### This Policy covers all incidents of sexual assault, sexual misconduct or sexual harassment, and applies to:

###### **all University** **staff**: all individuals employed or engaged by the University, whether paid or unpaid, to carry out work for the University. This includes (but is not limited to): University employees, managers, executives and board members, agency workers, temporary staff, contractors, volunteers and research staff; students undertaking paid or unpaid work for the University; and those who hold honorary appointments; and

###### **all students of the University**: any individual registered on any programme of study at the University, including summer/evening school or short courses, including (without limitation) students studying away from University premises as part of their course/programme.

##### This Policy also applies to incidents arising outside of the immediate University context but where a member of staff or student is involved or affected.

##### This Policy is supported by, and should be read alongside:

###### the University’s booklet, *‘Help and Support after Sexual Assault’*;

###### the *Sexual Assault and Sexual Misconduct: Procedure for Reporting and Investigation*;

###### the University’s *Academic Regulations*, including Section 1 Part 12, *Procedures For Disciplinary Action Against Students* and Section 3, *Procedures and Student Complaints*;

###### the *Policy for Addressing Bullying and Harassment of Students*;

###### the *Disciplinary Policy and Procedure* (for Staff);

###### *the Dignity at Work and Procedure for Dealing with Harassment or Bullying (for staff);*

###### the *Policy on referral to police or other relevant authorities of alleged criminal offences*; and

###### the *Safeguarding and Prevent Policy*.

#### Expected Behaviours

##### We expect all members of the University community to:

###### Read, engage with and uphold this Policy at all times.

###### Treat all members of our community with dignity and respect, sharing in our joint responsibility for creating and sustaining an environment which upholds the dignity of all.

###### Understand that everyone has an individual duty in the prevention of sexual assault and sexual misconduct, which includes actively maintaining and promoting a safe environment free from sexual assault and sexual misconduct.

###### Recognise the significant impact of all experiences of sexual assault and sexual misconduct, and acknowledge the potential detriment to studies and employment, regardless of when the experience occurred.

###### Recognise the additional impact that sexual misconduct may have on those who are more vulnerable, by reason of past incidents or by the intersection of such misconduct with other personal characteristics, such as gender, sexuality, or age.

###### Respect the rights of individual who suffer sexual assault, misconduct or harassment, including their right to make a disclosure or a formal report, and respect and support how they choose to take forward their disclosure or report.

###### Report instances of sexual misconduct when they occur, and comply fully and openly with any investigatory or disciplinary processes that follow.

#### University actions

##### In addition to the above, the University as an institution will:

###### Work to sustain an equal and safe environment in which a culture of prevention will be promoted through appropriate and consistently applied education and training.

###### Actively respond to all reports of sexual assault and sexual misconduct and ensure that, in all cases, reports are carefully and thoughtfully considered by appropriate staff members through a process that is transparent and clearly communicated to the individuals involved.

###### Widely publicise this Policy and ensure all members of staff and students are aware of its contents.

###### Ensure that all staff in relevant roles are aware of this Policy and are trained in its application as appropriate to their roles.

###### Ensure that there is dedicated specialist support for all affected by sexual misconduct, including free and accessible counselling.

###### Work with local partners and key groups to forge positive relationships to support all our work in this area, from prevention to enquiry and post-incident care.

###### Be mindful of our civic responsibilities to the wider community.

###### Seek to learn from experience, so that our community remains safe and supported to the best of our ability.

#### Sanctions

##### All reports of sexual misconduct will be reviewed and appropriately investigated. Sexual assault and sexual misconduct constitute serious breaches of this and other University policies, such as the Safeguarding and Prevent Policy, and as such could ultimately result in dismissal (for employees) or expulsion (for students).

##### Where the conduct may constitute a crime, it may also be reported to the police and appropriate authorities for investigation. Conduct that raises fitness to practice concerns will be reviewed under the appropriate procedures.

##### Individuals have a right to raise concerns under this Policy. Victimisation of any individual who raises a concern will not be tolerated and will be dealt as a (further) breach of the University’s applicable policies.

#### Monitoring and Oversight

#####  The application of this Policy is overseen by the Director of Students, Support and Information Services, with the management and support of the Deputy Vice-Chancellor (Student Experience). The Chief Human Resources Officer provides additional management and support where staff are concerned.

##### Strictly subject to confidentiality and data protection requirements, aggregate details of reports and disclosures are summarised and formally reported by the Director of Students, Support and Information Services to the University’s Vice-Chancellor’s Group and Board of Governors on an annual basis. This allows for appropriate oversight of the use and impact of this Policy and the University’s efforts more generally.

##### For more information on how the University manages personal data, please see the University’s data protection web page: <https://www.chi.ac.uk/about-us/policies-and-statements/data-protection> or contact the University’s Data Protection Officer on DPOfficer@chi.ac.uk.

##### The University invites input and challenge from its Students’ Union, as representatives of, and advocates for, its students, through the Student Forum and via its other processes.

##### The University has appointed a member of its Board of Governors to support the Director of Students, Support and Information Services and the Deputy Vice-Chancellor (Student Experience).

#### Responsibility

##### This Policy is the responsibility of the Director of Students, Support and Information Services. It has been agreed and approved by the Vice-Chancellor’s Group and the Students’ Union and by the Board of Governors of the University. It has been reviewed and updated by the University, in consultation with the Students’ Union, following the Office for Students’ [Statement of Expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education](https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/).