

Sexual Misconduct Policy and Procedure

EXETER STUDENTS' GUILD

Sexual Misconduct Policy and Procedure

Policy Statement

Values

1. Exeter Students' Guild ("the Guild") recognises that sexual misconduct, including sexual harassment and sexual violence, is a violation of human dignity. It can have a profound effect on those who experience it and cause significant and long-lasting physical and psychological harm. For these reasons, the Guild has adopted a zero tolerance approach to sexual misconduct.
2. The Guild is committed to creating a culture where acts that constitute sexual misconduct are well understood and regarded as unacceptable by all members, officers and staff.
3. The Guild is committed to ensuring prevention of sexual misconduct and an effective response to incidents when they occur. To this end, all members, officers and staff are expected to take responsibility for building and maintaining an inclusive, equal, positive and safe environment for everyone.
4. The Guild is committed to promoting:
 - Healthy, positive relationships based on mutual respect and clear consent
 - Social norms which do not tolerate any form of sexual misconduct
 - A culture in which bystanders are empowered to challenge problematic behaviour
 - A culture in which all members, officers and staff feel able to speak and be heard, and who will be supported and taken seriously

Guiding Principles

5. The Guild recognises that a culture of zero tolerance of sexual misconduct must be actively promoted in order to reduce the likelihood of incidents occurring.
6. The Guild understands that effective arrangements must be in place to support students who experience sexual misconduct and that this will include:
 - A recognition that the immediate priority upon the disclosure of any incident of sexual misconduct, current or historic, is the safety and welfare of individual making the disclosure
 - Any member reporting an incident of sexual misconduct will be treated with respect and dignity. They will be listened to and provided with information about the support available to them
 - Ensuring that officers and staff receive appropriate training on a regular basis to enable them to respond sensitively to a report of sexual misconduct. This will include the provision of "first responder" disclosure training to enable officers and staff to support, signpost and advise a member who is reporting an incident of sexual misconduct

7. The Guild will respect the right of an individual making a disclosure to choose how to proceed and will provide clear and accurate information about reporting options. Action will only be taken with the consent of the member making the disclosure except where there are reasonable grounds to believe either of the following, when the police and/or the University may be informed without consent:
 - clear and immediate risk to the health, safety and well-being of the disclosing party or other members of the University community, or,
 - that there is a safeguarding risk to children or vulnerable adults
8. The Guild has a responsibility to support both the individual making a disclosure of sexual misconduct and the individual against whom the allegation is made. Arrangements will be put in place to ensure that:
 - There is no conflict of interest in the provision of support
 - Both parties receive the support they need in a timely manner
 - Any ensuing action is fair and equitable to both parties
9. The Guild works closely with the University to prevent sexual misconduct and to respond effectively when instances occur. Confidential and sensitive information regarding a disclosure will be recorded and shared between the Guild and the University and external services only with the knowledge and agreement of the student involved, except for the circumstances outlined in paragraph 7 above.
10. The Guild will collect relevant data to enable the monitoring of disclosures of sexual misconduct. This information will be kept securely and confidentially and in line with the Guild's Data Protection Policy. Annually, any relevant data collected will be anonymised and reported to relevant officers and senior managers.

Legal Context

11. The Guild regards any type of non-consensual sexual contact as sexual violence. Many forms of sexual violence, including rape, assault by penetration and sexual assault, are also criminal acts under the Sexual Offences Act 2003 which can be found at www.legislation.gov.uk/ukpga/2003/42/contents.
12. Sexual harassment is a form of unlawful discrimination under the Equality Act 2010. Sexual harassment is any unwanted behaviour of a sexual nature which:
 - Violates your dignity
 - Makes you feel intimidated, degraded or humiliated
 - Creates a hostile or offensive environment

Procedure

Introduction

13. This procedure sets out how the Guild will respond when a member makes a disclosure of sexual misconduct to an officer or member of Guild staff. It applies to you if you are a student of the University of Exeter and you believe you have experienced sexual misconduct from another student, an officer or member of

Guild staff, or a member of University staff.

14. For the avoidance of doubt, this procedure is applicable to:
 - currently registered students at the University of Exeter who wish to make a disclosure of sexual misconduct by another student, an officer or member of Guild staff, or a member of University staff.
 - Members of University staff, former students and members of the public who wish to make a disclosure of sexual misconduct by an officer or member of Guild staff.
15. Members of University staff who wish to make a disclosure of sexual misconduct by a current student should do so to the University.
16. The Guild is unable to investigate any allegation (i) of sexual misconduct against a former student or (ii) made by former students or other members of the public against a current student.
17. It is important to understand that, in the majority of cases, it will be more appropriate for any investigation of alleged sexual misconduct to be conducted by the University in accordance with the University's Sexual Misconduct Policy and Procedure. This is because the University is in a better position than the Guild to deliver the preferred outcomes that the person making a disclosure often wants (including, for example, exclusion of the person against whom the allegations are made from University premises). This procedure therefore sets out:
 - The Guild's initial response to a disclosure of sexual misconduct
 - How the Guild will work with the University if it is decided that the University should investigate
 - What will happen if it is decided that the Guild should investigate
 - How the Guild will support the person making the disclosure
 - How the Guild will support the person against whom an allegation of sexual misconduct has been made

Roles and responsibilities

18. The person to whom a disclosure of sexual misconduct is made is known as the **first responder**. The first responder's responsibilities are set out in detail in Appendix 1, but in summary they are to provide reassurance and signpost to internal sources of information, advice and support. If the disclosure is made to someone other than an Advisor in the Guild Advice Service, the first responder should forward the disclosure to the Guild Advice Service as a matter of urgency (ideally on the same day, but certainly within 24 hours) normally with the consent of the disclosing student, and an Advisor will communicate with the person making the disclosure to offer support. Unless the first responder is nominated as the **key contact** for the person making the disclosure (see 19 below) they are not responsible for ongoing communication with the person making the disclosure and their involvement in the matter will be at an end, unless they are called as a witness in any subsequent investigation and/or disciplinary proceedings.

19. A **key contact**, usually an Advisor in the Guild Advice Service, will be nominated as the person with the responsibility for:
- coordinating support for the person making the disclosure,
 - liaising with the University about the case,
 - updating the student on a regular basis, and,
 - if they are absent from the Guild (for example, on holiday) making arrangements for the ongoing support for and communication with the person making the disclosure
20. It is important to note that it is **not** the key contact's role to advocate on behalf of the person who has made a disclosure of sexual misconduct, either with the University or with external agencies.
21. A key contact will also be nominated to provide support for and communication with the person against whom an allegation of sexual misconduct has been made if that person is also an Exeter student. It is likely that the key contacts for the person making the disclosure and the person against whom an allegation has been made will both be Advisors in the Guild Advice Service and arrangements will be put in place to ensure that strict confidentiality is maintained and conflicts of interest avoided.
22. If it is decided that the Guild should investigate an allegation of sexual misconduct, an **investigator** will be appointed in accordance with the Guild's complaints policy¹. The investigator will be independent of the key contacts for the person making the disclosure and the person against whom an allegation has been made.
23. If, following an investigation by either the Guild or the University, it is decided to invoke the Guild's disciplinary procedure, the **decision maker(s)** will be independent of the key contacts for the person making the disclosure and the person against whom an allegation has been made.

Reporting sexual misconduct

24. The Guild recognises that a disclosure of sexual misconduct may be made to any officer or member of Guild staff and will work hard to keep to a minimum the number of times that an individual has to disclose an incident whilst ensuring that the person making the disclosure receives appropriate support as quickly as possible.
25. Ideally, a disclosure should be made as soon as possible after the incident. Whilst there is no time limit for disclosure within this procedure it must be acknowledged that the passage of time is likely to make it more difficult for action to be taken. A member making a disclosure of an historic incident of sexual misconduct will still receive wellbeing support from the Guild if they wish.

¹ [Complaints Procedure](#)

26. As soon as possible after the disclosure (normally the same or next working day), a Case Management Meeting will be convened. The purpose of this meeting will be to:
- assess support needs,
 - determine whether, based on the nature of the misconduct being complained of and against whom the complaint is made, the Guild should investigate the matter and,
 - nominate key contacts for both the person making the disclosure and the person against whom the complaint is made
27. As soon as possible after the disclosure, the key contact will set out the following reporting options for the person making the disclosure:
- report to the Police
 - disclose to the Devon and Cornwall SARC or Devon Rape Crisis
 - make a Report to the University
 - make no report of the incident to either the Police or the University; and/or
 - receive advice on the support that is available, including wellbeing support
 - receive wellbeing support from the Guild
 - If desired outcomes are within the Guild's sphere of control, investigation by the Guild (not available if the complaint is of serious sexual assault, see paragraph 38).
28. The Guild respects the right of the individual to choose how to take forward a disclosure and recognises that they may require time and reflection before making a decision. However, to inform their decision, they will be advised of the timescales recommended by SARC if forensic evidence is to be collected and how to preserve evidence (if relevant).
29. The key contact will signpost the person making the disclosure to the Devon and Cornwall SARC so that they may access the external services and guidance it provides. This will also allow them to make an anonymous report and have evidence stored while they choose if they want to report to the Police. The key contact can make a referral to the SARC on behalf of the person making the disclosure with their agreement.
30. The key contact will inform the University's Lead for Sexual Misconduct (LSM) of the disclosure as soon as practicable (normally on the same day or the next working day), omitting the names of the person making the disclosure and of the person against whom the allegation has been made, if the person making the disclosure requests this. However, it must be noted that:
- no formal action can be taken by either the University or the Guild if the person making the disclosure chooses to remain anonymous,
 - if the disclosure is of a serious sexual assault, the Guild will have no alternative but to disclose the name of the person against whom the allegation is made in order that the University can undertake an effective risk assessment to ensure the safety and security of the University

community.

31. If the person making the disclosure decides to make a formal Report to the University, the LSM will convene a Case Management Conference (CMC). The purpose of this meeting will be to assess support needs, consider how best to protect the interest of all parties (and members of the wider University community) and to agree next steps.
32. If the person making the Report has proceeded with a police investigation, the CMC will normally suspend proceedings, pending the outcome of any criminal investigation or judicial proceedings.

Investigation by the University

33. If a Report of sexual misconduct is made against another Exeter Student, the University's Sexual Misconduct Procedure will apply. The procedure may be found at https://www.exeter.ac.uk/media/universityofexeter/humanresources/edi/speakout/Sexual_Misconduct_procedure_2023-24.pdf. If an investigation finds that there is a case to answer, this will be dealt with in accordance with the University's Disciplinary Procedure, treated as either a Minor or a Major offence.
34. If a Report of sexual misconduct is made against a member of University Staff, the relevant University HR procedure will apply.
35. It should be noted that, if it is decided that the University should investigate an alleged incident of sexual misconduct, the Guild is not in a position to influence the outcome of the investigation, nor would it wish to do so.
36. It is the University's responsibility for communicating with both the person who made the Report and the person against whom an allegation has been made regarding progress of the investigation. However, the key contacts will liaise with the University on behalf of the parties that they are supporting to facilitate this (although considerations of confidentiality may restrict the amount of information that the University can share with them).
37. The University cannot require the Guild to take action against a member if it finds a case to answer. However, it can make recommendations (for example, that a member be removed as an officer of a society or association) and the Guild will give careful consideration to such recommendations (see paragraph 42 below).

Investigation by the Guild

38. The investigation of complaints of serious sexual assault requires a level of infrastructure that is not available to the Guild and such complaints will be forwarded to the University for investigation with the consent of the person making the complaint. Examples of behaviour that would constitute serious sexual assault in this context are included below, noting that persons of any gender can be victims.

- Rape (penetration of the anus, vagina or mouth by a penis without consent)
- Assault by penetration (penetration of the anus or vagina by an object or another body part, such as fingers, tongue, fist, nose, elbow)
- Sexual assault (for example, rubbing up against someone, groping, kissing someone, fondling, touching breasts or bottom, putting a hand down someone's top or trousers. The touching can be over clothes or naked)

39. The Guild is able to investigate complaints of sexual harassment including:

- someone making sexually degrading comments or gestures
- your body being stared or leered at
- being subjected to sexual jokes or propositions
- e-mails or text messages with sexual content
- physical behaviour, including unwelcome sexual advances and touching, that would not be regarded as a serious sexual assault (see paragraph 38) but which make someone uncomfortable. Examples include trying to hold someone's hand, dancing or sitting too close to them, trying to hug them.
- someone displaying sexually explicit pictures in your space or a shared space
- offers of rewards in return for sexual favours

40. It is likely that the Guild will investigate a disclosure of sexual harassment if the person against whom an allegation is made is:

- A full-time Sabbatical Officer, or,
- a member of Guild staff, or,
- another student (or students) **provided that ALL** of the desired outcomes fall within the Guild's sphere of control

41. Investigations will be carried out in accordance with the Guild's Complaints procedure². Whilst the key contacts will be independent of the investigation, they will liaise with the investigator on behalf of the parties they are supporting (although considerations of confidentiality may restrict the information that the Investigator can share with them).

Disciplinary Action by the Guild

42. If the investigation (whether undertaken by the Guild or the University) finds that there is a case to answer, this will be dealt with as follows:

- If the complaint was made against another student (or students) the Member Disciplinary Procedure³ will apply.
- If the complaint was made against a full-time Sabbatical Officer or a member of Guild staff, the relevant Guild HR procedure will apply.

This policy was implemented in January 2022 and last reviewed in August 2024.

² [Complaints Procedure](#)

³ [Member Disciplinary Procedure](#)

Sexual Misconduct Procedure - "First Responder" Role & Responsibilities

1. The person to whom a disclosure of sexual misconduct is made is known as the first responder. In summary, their role is to provide reassurance and signpost to internal sources of information, advice and support.
2. If the disclosure is made to someone other than an Advisor in the Student Advice Centre, the first responder should forward the disclosure to the Student Advice Centre as a matter of urgency normally with the consent of the disclosing student, and an Advisor will communicate with the person making the disclosure to offer support.
3. Unless the first responder is nominated as the key contact for the person making the disclosure, they are not responsible for ongoing communication with the person making the disclosure and their involvement in the matter will be at an end, unless they are called as a witness in any subsequent investigation and/or disciplinary proceedings.
4. It is likely to be very difficult for a victim to speak about rape and sexual assault. It may have taken the person weeks or months or even years to be able to talk to anyone. Rape and sexual assault are extremely traumatic events. If a person is speaking to you then it indicates that they trust and esteem you. It is also possible that a student is speaking to you because events are affecting their academic performance in your module or course and that they therefore feel they must talk to you.
5. You should not assume that the victim has told anyone else. Whatever the reason for the victim coming to you may be, it is crucial that your response is appropriate.
6. Victims are often terrified of people knowing about what has happened to them and will ask you not to tell anyone else. As a member of staff, you cannot promise the student complete confidentiality because there are some situations where confidentiality cannot be maintained. You should realise that once a disclosure has been made to you the Guild is deemed to be put on notice that the allegation has been made.

Listen

7. Be patient and listen to the person and let them talk in their own time. Try to control any expression of shock or panic or disbelief. Do not ask for too many details about what has occurred. Do not ask for specifics of the rape or sexual assault. Remember that for many people, using the language of sex and body parts is extremely uncomfortable and that this discomfort will likely be even worse when talking to staff who are their senior and who they know professionally.

Believe

8. It is absolutely crucial that you accept what is being told to you and that you do not question it nor ask any questions which may signal doubt or disbelief. For example if you say, 'I just can't believe it!' this may be interpreted as 'I don't believe you'. Do not ask questions about the victim's actions which signify fault on the victim's part, such as 'were you drunk?' or 'what were you wearing?' or 'why didn't you scream?' or 'why did you let x in your bedroom?' or 'why didn't you ring the police?' or 'why didn't you report it at the time?' Do not ask any 'why didn't you do (x)' questions and do not suggest what the victim should or ought to have done. Do not question the victim's account. Do constantly reassure the student that you believe them, that it's not their fault, and that you are sorry that this has happened to them.

Reassure

9. Respond to the student in a caring manner, expressing empathy. Ask if you can call anyone for them and what they need right at this moment. Reassure the student that you will help them access the support they need, and that you are not judging them. Reassure them that there is no 'right' response to rape and sexual assault and that whatever they are feeling emotionally is perfectly normal. Different people react in different ways and want different outcomes. Whilst it is your job to be supportive of the student in this moment, it is not appropriate to indicate that you will be ongoing support for the student, as this may not be in the best interests of either party. You should reassure that student that there is professional and confidential support available with experts who have experience of those in their individual situation.

Assess and Signpost

10. You are likely to have gained enough information to make a preliminary assessment of the situation. The student may just want to talk about it and be reassured that it is not their fault. What happens next depends on the type of disclosure. You should forward the disclosure to the Guild Advice Service as a matter of urgency (ideally on the same day, but certainly within 24 hours) normally with the consent of the disclosing student, and an Advisor will communicate with the person making the disclosure to offer support. You can also call Devon Rape Crisis for specialist help and refer the student to the welfare support webpages for continued support.

Self-care

11. You may be distressed about what you have heard after a disclosure has been made. You can utilise the Employee Assistance Programme for support, and further information about this service is available through the HR team.