

## **Accommodation Services – Sexual Violence and Inappropriate Sexual Behaviour Procedure**

### **Background**

The 2010 NUS 'Hidden Marks' survey illustrated that 1 in 7 women had experienced a serious sexual assault during their time as a student and 68% had been victim of sexual harassment on campus. All students have the right to live, study, and relax in an environment where they feel safe and are free from any form of sexual violence, abuse and harassment.

No student should be forced to 'put up' with sexual violence, abuse or harassment, and action must be taken where necessary to ensure all students are able to enjoy the campus / student life without experiencing these.

The University wants students to enjoy their time here. It has a responsibility for the health, safety and welfare of its students and aims to provide a safe environment in compliance with this requirement. This includes offering support and signposting student to the most appropriate specialist service following incidences of sexual violence or inappropriate sexual behaviour that are reported to the University. This is as well as providing opportunities for preventative measures such as workshops and information distribution within for example, orientation or students' fresher's week.

This procedure will detail the University's expectations on how to address allegations of sexual violence and inappropriate sexual behaviour involving students living in University accommodation across all campus sites. It will outline how this will be achieved, ensuring all measures are undertaken to demonstrate that Accommodation Services and Campus Operations have acted reasonably to protect the health, safety and wellbeing of its students.

Accommodation Services will investigate any internally reported incident, which occurs in University accommodation and will liaise with Campus Operations for further information regarding CCTV and IRAMS reports. Accommodation Services will also liaise with the University support services / and the Students' Union to assist with pastoral and or wellbeing support. The investigation may be delayed depending on any police involvement as any internal investigation must not hinder or jeopardise criminal proceedings.

This procedure will be adhered to, in conjunction with the working instructions for staff that accompany this document.

### **Inappropriate Sexual Behaviour / Sexual Violence**

The definition of inappropriate sexual behaviour / violence may include one or more of the following common signs:

- Is no longer interested in sexual activity after initially consenting to the act, but the other person continues to engage in sexual activity eg touching, kissing, intercourse
- Makes inappropriate sexual remarks in private or public places
- Makes unwanted sexual advances (e.g. grabs, or attempts to fondle)
- Kisses or hugs more than would be appropriate to express affection
- Masturbation and or exposure in public

### **Response to Disclosures by Alleged Victim to a 3<sup>rd</sup> Party**

Disclosures or reports of sexual violence and / or inappropriate sexual behaviour may come from varying sources; for example the Police, Campus Operations or witnesses (3<sup>rd</sup> party).

It is anticipated that Campus Operations Security Officer (the group most likely to have assisted with this situation out of hours) will report disclosures or reports of sexual violence and / or inappropriate sexual behaviour through the IRAMS system.

Accommodation Services will receive the IRAMS report the next working day from Campus Operations, and then proceed in accordance with the Student Conduct and Wellbeing Procedure.

It is the student's decision whether or not to engage with University staff, police or external services and care must be taken not to harass or to assume that University staff knows what is best for the student's welfare.

University staff will respect the student's right to decline any support whilst ensuring that the student is aware how to obtain this if they choose to do so. If the student chooses not to engage with Accommodation Services, information regarding the support networks within the University will be disseminated to the student in writing.

### **Response to Disclosures by an Alleged Victim Direct to Accommodation Services or Follow up Meeting from 3<sup>rd</sup> Party Disclosure**

Accommodation services will liaise with the Mental Health and Wellbeing Coordinator. The Mental Health and Wellbeing Coordinator should have already received the IRAMS form from security, but this liaison will ensure no assumptions are made.

The Mental Health and Wellbeing Coordinator will arrange a same day appointment with themselves and a member of Accommodation Service staff. If the Mental Health and Wellbeing Coordinator are unavailable, a member of the management team from Accommodation Services will coordinate and manage the referral details and procedure.

The student will be offered the opportunity to be seen immediately by Mental Health and Wellbeing Coordinator and or Accommodation Services staff in a private room to preserve confidentiality and dignity. The following should be undertaken:

- The student will be informed that they can have someone with them at the interview if this would make them feel more comfortable. The student will be offered reassurance from the onset that their disclosure will be confidential, taken seriously and managed sensitively.

Two members of staff will be present, one to take notes (with the student's permission) and one to offer continuous verbal and none verbal communication.

- The student will be asked to proceed with their disclosure, which should include, wherever possible details of the alleged perpetrator. Staff should use the prompt and documentation sheet provided with in the appendix of this document.
- Once the disclosure has been finalised and documented the student will then be asked how they would like to proceed. For example support from the University, reporting the incident to the Police (if not already undertaken) or a referral being made to the Sexual Assault Referral Centre (SARC)
- The student will be offered the opportunity to relocate to another campus or bedroom either now or in the future.
- The student will be advised that they can contact the Students' Union for further advice and support.

### **Following on from disclosure**

Without prejudice, the University must consider the support to the alleged victim and alleged perpetrator, taking into account both a criminal and well-being standpoint as follows:

#### **Criminal:**

The University accepts it has a duty of care to advise and support the student to make a formal complaint to the Police and report the crime, if they so wish.

- If the police have not already been informed and the student wishes to proceed with this line of support: the student will be supported to make contact with the police.

#### **Well-being:**

- If the student does not wish to report the incident to the police: they should be offered the opportunity to be referred to the Sexual Assault Referral Centre: where physical and visual evidence can be obtained, as well as referrals being facilitated to other specialist services such as sexual health and emotional support.

If the student pursues a criminal and / or a SARC referral, the emotional and sexual welfare of the student will be considered and actioned.

In order to consider any specific implications to a student's studies the University's Mental Health and Wellbeing Coordinator will liaise with their Faculty and student office, with the student's permission.

If the student has not engaged with any external agencies, the Mental Health and Wellbeing Coordinator can arrange, with the student's consent, sexual health checks, and emotional support to include counselling or specialist external support.

All of the collated information with regards to the incident will be passed on to the University Conduct and Appeals unit for their reference only, until there is a final outcome.

#### **Investigative follow up with the alleged perpetrator**

Accommodation Services / Campus Operations would undertake the following:

- Accommodation Services will seek advice from the Police as to whether they are able to liaise with the alleged perpetrator (if they are residents in University accommodation) to ensure that the University procedure does not hinder or adversely impact the criminal investigation.
- If the incident is alleged to have occurred in an individual's bedroom the Police will routinely require access to the room to undertake their own investigations. Campus Operations Security will assist wherever necessary with regards to access and securing the area.
- If a student has been interviewed by the Police, Accommodation Services will arrange to speak to the student to sign post them with regards to any relevant support. The student will be interviewed by two members of staff (one will be the MHAWBC if available).
- The student will be informed that the purpose of the meeting is to find a resolution regarding their living and possible study arrangements whilst both parties remain at the University of Wolverhampton.
- The student will be informed that until any criminal findings have been concluded; (if applicable) the student is considered innocent until proven guilty, but it should also be acknowledged that this does not infer that the alleged victim's accounts are treated as inaccurate or false either.
- Accommodation Services will advocate a room or campus move if the students live in close proximity to each other.
- The student will be reminded of the need to report any behaviour towards them from other students such as bullying or harassment as a result of the incident, giving them reassurance that these reports will be taken seriously and managed appropriately. These reports should be made to Accommodation Services staff.
- If the student chooses not to engage with the process, they should be written to with a request for them to attend an appointment and advocate any University support that may be beneficial for their health and wellbeing.
- The student will be informed that details of the alleged incident have been passed to the Conduct and Appeals Unit for their consideration under the Student Code of Conduct and Disciplinary procedures at the end of the investigation.
- The student will be advised that they can contact the Students' Union for further advice and support.

### **Follow up with the alleged victim**

Accommodation Services will seek to see the student face to face again as a means of follow up to the disclosure within a few days of the alleged incident. The student will be informed that until any criminal findings have been concluded and indeed whilst investigations are being conducted, the University will manage and mitigate the arrangements and risks involved for both students.

The student will be informed that due process must be followed to ensure that all parties are treated fairly and that the outcome of the process is proportionate.

Staff will continue to offer the student the right to move rooms or campuses if they have not already done so.

The student will also be reminded of the need to report any behaviour towards them from other students or the alleged perpetrator such as bullying or harassment as a result of the incident, giving them reassurance that these reports will be taken seriously. Furthermore, if any subsequent support needs arise from the incident for the student they should be aware that they can approach Accommodation Services who will signpost to the relevant University support services.

### **Criminal investigations and Student Discipline**

Following the original disclosure all copies of statements, documentation and evidence such as CCTV/camera footage relevant to the case should be passed to Conduct and Appeals and the Police if relevant.

The Conduct and Appeals Unit and Accommodation Services will review all available evidence, and a decision will be made as to whether a case conference is required in accordance with the Student Conduct and Wellbeing Procedure.

If the Conduct and Appeals Unit become aware of any decisions that have been made by the Police or the Courts they will consider whether the University Disciplinary procedures are invoked at this stage or whether there is a need to wait for the final outcome of the legal proceedings.

### **Confidentiality**

A Students disclosure will be considered as personal and sensitive in nature and as such should not be shared with in the university departments that are not mentioned in the policy document, or outside parties without the expressed permission of the student. Any information sharing should be on a need to know basis and staff should always judge any choice to discuss the matter /incident against this principle: “is this person already aware of this due to their role, do they need to know any more?”

Without a student’s consent, there may be a set of factors that would deem that there is a legal obligation to breach confidentiality or where exceptional issues of personal safety arise. This should be discussed with your line manager in the first instance, who can make a decision or seek advice from the universities safeguarding committee. The information collected will be processed and managed within Accommodation Services; the information will be used for the administration of a student’s support and any other legitimate University purpose. (For example, support for extenuating circumstances) Hard copies of statements provided will be stored in a secure, locked and restricted access cupboard within Accommodation Services until such a time it is required. In doing so, the University will observe at all times the data protection principles embodied in the Data Protection Act 1998.

If the police request a copy of the notes taken with in the interview, liaison should take place with the universities Data Protection Officer based within the OVC, and advice should be sought. Routinely a WA170 form will be sought from the police, this will request the information and outline for what purpose: which in the case of sexual assault and or rape, will be with the view to investigate an alleged serious crime. If the WA170 lists the alleged perpetrator as the data subject: please note we are not

permitted to discuss this request with the alleged perpetrator: and advice should be sought from the police as to whether we can discuss the intricacies of support and university arrangements with them prior to them seeing them.

### **Support for Staff**

The University of Wolverhampton accepts its responsibility to staff welfare and advocates an approach that allows “de brief” and “de-escalation” following such disclosures. The aim of such an approach is to ensure a “well” workforce avoiding unmanageable levels of sickness, absence or staff being emotionally distressed. This will be undertaken under advice from either Counselling Services or the Mental Health and Wellbeing Coordinator.

### **Prevention**

Much of this policy outlines the Universities approach to responding to reports of sexual violence. However, the University of Wolverhampton fully accepts its responsibility to make available information and advice to students at the point of them arriving to this new environment and throughout their studies, with the aim of preventing such incidents.

Information will include advice around consent, staying safe, gender specific information and advice such as addressing “lad culture” in and via accessible and relevant forms such as face to face workshops, social media and access to expert advice; this will be led by the Students’ Union.

<b>Version</b>	Version (12) 22/09/15	Authors: Rebecca Woolley, Sandy Shaw, Clare Dickens	Accommodation Operations Manager Campus Operations Manager Mental Health & Wellbeing Coordinator
<b>Approved date</b>		Approved by: Safeguarding Committee	
<b>Review date</b>	July 2017		