

London Metropolitan University

Sexual Violence and Sexual Misconduct – Procedures for Staff and Students

Table of Contents

1	Introduction	2
2	Scope of the procedure	2
3	Police investigations and judicial proceedings.....	2
4	Disclosure v reporting	3
5	Disclosures	3
6	Reporting.....	4
7	Investigations... ..	7
8	Monitoring and record keeping.....	7

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1 Introduction

- 1.1 This procedure sets out how London Met will handle incidents of Sexual Violence and Sexual Misconduct. This procedure is part of the University Sexual Violence and Sexual Misconduct Policy and should be read in conjunction with the Policy and other supporting material and guidance detailed in the Policy.
- 1.2 The procedure is designed to support the Reporting Party to disclose incidents of Sexual Misconduct and Sexual Violence to the University, and to support the Reporting Party when they choose and assess the course of action that is most appropriate for them. London Met has designed this procedure and accompanying policy to minimise the number of times the Reporting Party has to disclose an incident of Sexual Misconduct and Sexual Violence.

2 Scope of the Procedure

- 2.1 This procedure applies to all alleged incidents of Sexual Misconduct and Sexual Violence Policy breaches between the University's students, staff and visitors. It does not cover incidents of non-sexual misconduct or non-sexual violence as the University has separate policies in relation to those matters. If a conflict arises between this procedure and any other procedures of the University, then the Lead Sexual Violence and Sexual Misconduct Officer (LeSVMO) shall determine which procedure will be used.
- 2.2 In the event that the Reporting Party is a student, member of staff or contractor/visitor of the University and the Responding Party is a student, this procedure will apply and the investigation will be managed by the Casework Office in line with the [Academic Regulations](#). In the event that the Responding Party is a member of staff or contractor of the University, action will be taken by HR in accordance with the [Staff Disciplinary Policy](#).

3 Police investigations and judicial proceedings

- 3.1 Where a criminal investigation or judicial proceedings are ongoing or are likely to commence in respect of a disclosure, the University can receive a report of Sexual Misconduct and Sexual Violence. In the interest of not causing impediment to the criminal proceedings, the University will not commence an internal investigation or will suspend an ongoing investigation. In all instances the University will undertake necessary precautionary action.
- 3.2 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from taking action under this procedure.
- 3.3 The University will advise the Reporting Party that it does not have the legal investigatory powers of the police, and cannot make a determination on criminal guilt. An internal investigation is focussed exclusively on whether a breach of the University's internal policies has occurred. The internal process cannot therefore be regarded as a substitute for a police investigation or criminal prosecution.

- 3.4 Where the university is aware that a police investigation is ongoing, the LeSVMO, in conjunction with relevant staff (and other departments as appropriate), will complete a risk assessment to inform any precautionary measures put in place to protect students (both the reporting student and the responding student, as well as other students) and staff, and also to ensure no impediment is caused to the police response.
- 3.5 Where a student has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of the University's Sexual Misconduct and Sexual Violence Policy, the conviction/caution will be taken as conclusive evidence that the behaviour took place and no further investigation shall be required by the University. The case will be referred by the LeSVMO to Student Conduct (students) or Director of HR (staff) for pursuance under University regulations and policies.

4 Disclosure v Reporting

- 4.1 Disclosure and reporting are separate actions that a reporting party may choose to take. This is outlined as below;



If a student discloses a sexual assault, depending on the nature of this assault it may be appropriate for them to self-refer to the Sexual Assault Referral Centre.

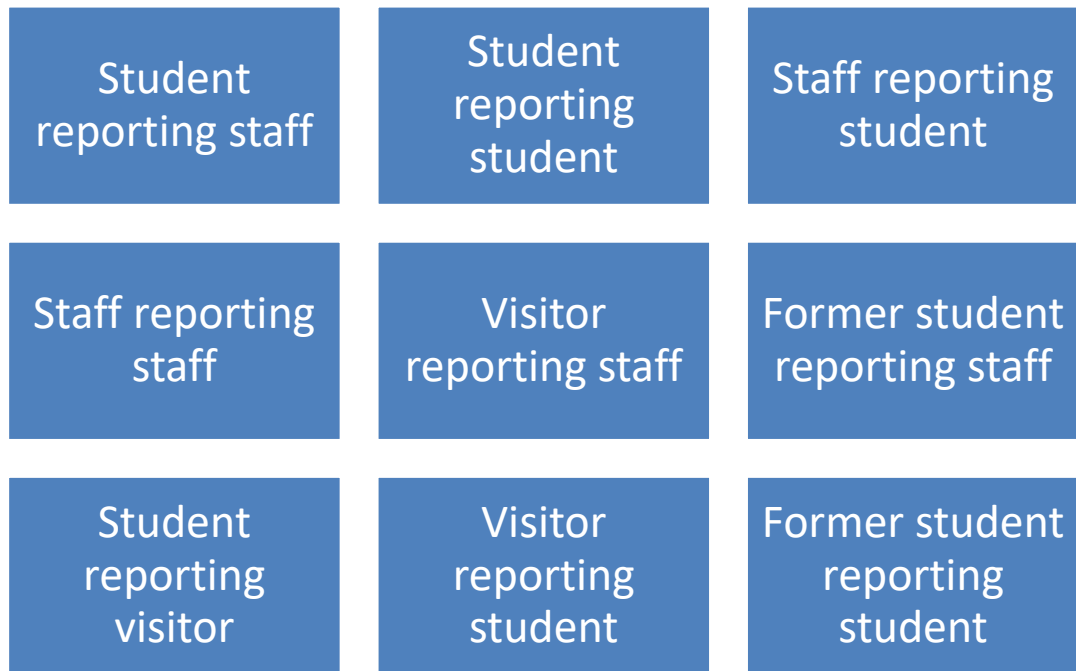
5 Disclosures – what is a disclosure? How to respond, record, signpost and emergency/crises situations.

- 5.1 The University recognises that disclosures may happen in a variety of ways, in writing, orally and to any member of our community. The University is keen to build a fuller understanding of when and where people experience sexual violence and sexual misconduct. In order to do this, the University asks that members of our community record disclosures and reports that they receive within our online Report and Support system. Disclosures can be recorded without any personal details if the person

- disclosing does not feel comfortable and there is no risk of harm to anyone.
- 5.2 A Disclosure does not automatically result in a report to the University being made under the Sexual Violence and Sexual Misconduct Policy. The University respects the right of the Reporting Party to choose how to take forward a disclosure.
- 5.3 It is vital that someone disclosing an incident(s) of Sexual Violence or Sexual Misconduct is supported correctly and in a manner that ensures that they are empowered to make choices themselves. Recipients of a disclosure should ensure that they;
- a. Listen without judgement and respond appropriately. See our guidance document to assist with understanding how to respond to a disclosure.
 - b. Ensure that the disclosure is recorded via our report and support platform
 - c. Ensure that the reporting party is signposted to support via our report and support platform and to a Sexual Violence and Sexual Misconduct Officer (SVMO).
- 5.4 The reporting party will be supported by one of our SVMO's and the following options will be available;
- a. report to the Police;
 - b. report to the University under the University's Sexual Misconduct and Violence Policy;
 - c. make no report of the incident; and/or
 - d. receive advice on the support that is available.
- 5.5 If someone disclosing appears to be in crises and informs you that they or others are at risk of harm it may be appropriate to escalate the situation;
- a. If there is immediate danger contact 999
 - b. Contact the [Local Safeguarding Officer or Lead Safeguarding Officer for further advice and guidance](#)
 - c. Campus security on ext 3333
- 5.6 If you witness If you are witnessing sexual violence or sexual misconduct taking place, it is an emergency (for example there is a risk of someone being hurt) and you are on campus, you should contact 999 and also contact campus security on ext 3333 If you are not on campus you may consider directly calling the emergency services on 999.
- 5.7 If you are witnessing sexual violence or sexual misconduct where you do not consider it to be an emergency, you can still contact Campus Security (as above) or you can intervene if it is safe to do so. Possible ways of intervening include:
- a. Direct Action – telling the perpetrator that their behaviour is unacceptable
 - b. Distraction – distract either the perpetrator or the target to defuse the situation
 - c. Delay – it is always worth checking in with the target of the behaviour after it has taken place; it is validating for them to know that another person believes what has happened in not acceptable
- 5.8 You may wish to report what you have witnessed after that incident has occurred. You can do this through Report and Support, where you can also find the details of internal support services. If the subject of the incident is identifiable and contactable the University will contact them to offer support and seek their views on taking any further action.

6 Reporting – How to report, record and the University's response.

- 6.1 Any member of our community who discloses and incident of sexual violence or sexual misconduct will be supported by one of our SVMO's and has the option to report in order to initiate an investigation. Examples of possible reports include the following;



- 6.2 Any member of our community disclosing an incident(s) of sexual violence or sexual misconduct will be supported by one of our SVMO's who will provide a range of support and also outline next steps for reporting internally and externally.
- 6.3 Reports will be made and logged via our Report and Support system. This ensure that all records are maintained in a confidential and secure area. Please note that where the reporting party does not wish the substance of the allegation to be made known to the responding party or does not consent to the responding party to be informed the report cannot be investigated except in cases of safeguarding or fitness to study / practice concerns. Support will of course be provided in line with our procedure and policy.
- 6.4 If the reporting party gives consent for the allegation to be shared with the responding party, but does not want their identity shared, the LeSVMO will consider the practical implications of this (e.g. whether there is sufficient evidence and opportunity for the responding student to be able to reply to the allegations). If an investigation does take place, we may be unable to prevent the responding student guessing the identity of the reporting student, if for instance there were no other witnesses.
- 6.5 All persons involved in an incident has the right to access support services. Student Services will ensure that all parties involved in the same incident are supported by different members of staff.
- 6.6 Upon receipt of a report the LeSVMO will hold an exploratory meeting in order to assess support needs, consider how to protect the interests of all parties and members of the University community who may be affected by the case and to agree next steps. The Report will not be investigated at the exploratory meeting.
- 6.7 The exploratory meeting will chaired by the LeSVMO and will include;
- Head of Counselling or other support services as appropriate
 - Member of the SVMO team
 - Director of HR (if the allegation includes a member of staff)
 - Senior member of staff from the School if the report involves a student
- 6.8 In addition consideration will also be given to including external stakeholders

involved in supported the reporting party. This may include but is not limited to medical practitioner, representative from the Sexual Assault Referral Centre, Social Services, safeguarding manager within the local police force.

6.9 The University will ensure that all members of the exploratory meeting have received the appropriate training. The diversity of the membership will be taken into account and reviewed at regular intervals.

6.10 During the exploratory meeting the following will be considered;

- a. the academic (where it involves a student), welfare and support needs of all parties will be considered alongside any actions required to ensure that those needs are met
- b. Undertake a risk assessment in order to determine whether any precautionary measures need to be put in place in order to ensure a full and proper investigation can be carried out and/or to reasonably ensure the safety and wellbeing of all members of our community
- c. What actions will be taken by the University and this will include the following;

If the responding party is a student(s)	<ul style="list-style-type: none"> • Refer to the student's School to deal with the matter locally and to take appropriate action (e.g. a conversation about appropriate behaviour) • Refer to an external stakeholder for relevant action i.e. Halls of Residence • Refer to the Academic Regulations in terms of disciplinary action
If the responding party is a staff member(s)	<ul style="list-style-type: none"> • Refer to the staff(s) line manager to deal with the matter locally and to take appropriate action (e.g. a conversation about appropriate behaviour) • Refer the probationary policy where appropriate. • Refer to the staff disciplinary policy
Where the responding party is a visitor	<ul style="list-style-type: none"> • Refer to the relevant department to deal with the issue locally and take appropriate action (for example a conversation about future attendance at events and appropriate behaviour) • Refer to the relevant third party employer • Take appropriate action centrally which may include banning the person from events/campus.

7 Investigations

- 7.1 Investigations into an allegation of sexual violence or sexual misconduct will be carried out in accordance with the following policies
- a. [Student conduct regulations](#) – where a student is the responding party
 - b. [Staff disciplinary procedure](#) – where a staff member is the responding party
- 7.2 The responding student or staff member will be offered guidance and support throughout the investigation and the University does not presume guilt. The University will carry out an impartial investigation in accordance with the policies outlined in 7.1 and in conjunction with any police investigation (if appropriate)
- 7.3 The outcome of the investigation initiated under this policy will be dictated by the relevant findings of the investigations and the policies followed as outlined in 7.1
- 7.4 In some circumstances it may also be appropriate to alert outside authorities of the outcome of an investigation such as a professional body if the perpetrator belongs to one.

8 Monitoring and record keeping

- 8.1 All records are maintained in accordance with the [University's Records Retention Schedule](#)
- 8.2 The online reporting system Report & Support is a secure externally provided website which allows the University to receive and document disclosures and reports about sexual violence, harassment and/or misconduct. The content of anonymous reports and reports containing personal information will be stored and processed within the online Report & Support system.
- 8.3 Full administrative access (the ability to see the detail of all reports) to the Report and Support system will be limited to the members of the SVMO Team. Staff members within Student Support Services, Human Resources and Governance and Legal Services and others as necessary may be allocated adviser access to specific reports in order to respond to any requests for advice, support or a formal action to take place. They cannot see the detail of any reports they have not been specifically assigned to by an SVMO, SVMO administrator or LeSVMO.