

Student Sexual Misconduct Policy

Our University Principles make clear that we do not tolerate sexual misconduct, violence or abuse (Principle 3). They also make clear that we are committed to providing a campus environment in which all members of our community feel safe and are respected.

We are committed to preventing and eliminating all forms of sexual misconduct.

We recognise the significant negative effects that experiencing sexual misconduct can have upon individuals and we will support them, as well as supporting those members of the University community (peers, personal tutors, etc.) to whom such experiences are disclosed.

We are committed to providing a supportive and confidential environment where individuals feel confident and empowered to disclose, will be listened to and understand the options available to them.

We will support everyone in our community to challenge inappropriate behaviour where it is safe for them to do so.

1. The purpose of this policy

The purpose of this policy is to outline how we will:

- provide a campus environment in which all members of our community feel safe and are respected.
- set out our expectations around the unacceptability of sexual misconduct
- support students who have experienced any form of sexual misconduct
- respond to disclosed incidents which breach this policy.

2. The definitions we use

For the purposes of this policy, we will use the term “sexual misconduct”, as defined below.

(1) Sexual Misconduct

Sexual Misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including sex without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment), stalking, abusive or degrading remarks of a sexual nature, and a vast range of other behaviours.

In this policy, the following definitions also apply:

(2) Consent

Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.

Freedom to consent: For consent to be present, the individual has to freely engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion or force, regardless of whether there is verbal or physical resistance.

- Coercion or Force includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual feels compelled to engage in a sexual act.

Capacity to consent: Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation may occur when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use.

- Alcohol and/or Drug Use: Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of Sexual Violence and Misconduct, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is to not engage in a sexual act.

(3) Disclosure

Disclosure means that an individual tells a member of the University community that they have experienced Sexual Misconduct (this is different from a formal Complaint).

(4) Formal Complaint

Submitting a formal Complaint to the University regarding an individual's experience of Sexual Misconduct is an instruction for the University to take appropriate action. The Complaint will allow the University to investigate the misconduct as set out in this Policy and the accompanying processes.

(5) Sexual and Domestic Abuse Advisor (SDAA)

The Sexual and Domestic Abuse Advisor (SDAA) is an independent point of contact for anyone who has experienced or been affected by sexual misconduct. They offer confidential, emotional support and advocacy.

(6) Reporting Party

The Reporting Party is the person(s) who has made a formal Complaint regarding an experience of sexual misconduct.

(7) Responding Party

The Responding Party is the person(s) named in a formal Complaint who is alleged to have committed an act of sexual misconduct.

3. Who is covered by this policy

This policy covers all students of the University of Warwick including students with visiting student status, distance learners and those undertaking Degree Apprenticeships.

It will apply to sexual misconduct which:

- occurs on University property and/or land;
- occurs whilst a student is engaged in any University or Students' Union related activity (including placements and trips);
- occurs via electronic means including, but not limited to: internet, email, social media sites, chat rooms, text messages and instant messaging;
- results in a legal or police investigation, charge or conviction of an offence;
- raises questions about the fitness of the student on a fitness to practice programme; or
- in the view of the University poses a serious risk or disruption to the University or members of its community.

4. What we commit to do

Our Principle 3 states that we will:

- Support anyone in our student community who is subject to any form of sexual misconduct
- Ensure that reporters are responded to in a safe, supportive, trusting environment
- Prioritise their safety and wellbeing, whilst ensuring the dignity of all those involved in any investigations or disciplinary proceedings
- Listen to the voice of the reporter when considering sanctions.

In addition to this, we will:

- Support all staff and students so that they understand:
 - what sexual misconduct is and that it is not tolerated;
 - what consent is; *and*
 - when consent is, and is not, given.
- Make clear how to disclose sexual misconduct, in person, online and anonymously, what options are available and the support that can be provided.
- Ensure that all relevant staff are informed of how to receive and signpost a disclosure of sexual misconduct in a sensitive way.
- Empower those who disclose an experience to choose which options are best for them and provide access to expert professional support via our Sexual and Domestic Abuse Adviser (SDAA).
- Set out all options and processes clearly and transparently. This includes the option to not make a formal complaint.
- Ensure that all relevant staff are provided with training to enable them to support and advise a student who has experienced sexual misconduct.
- Respect the sensitivity of disclosures of sexual misconduct and their consequences, and treat any disclosure confidentially, in line with our Data Protection Policy and the University's duty of care under safeguarding.

- Within Disciplinary Proceedings, ensure fairness to both Reporting and Responding parties.
- Ensure that all communications are sufficiently clear and detailed, and accurately reflect any decisions made.
- Learn from our experiences and regularly review this policy informed by data trends and with input from independent external experts to ensure it remains relevant.

5. Support Available

The following support is available for students to access:

- Report & Support warwick.ac.uk/reportandsupport
- Wellbeing Support Services tel: 024 7657 5570 email: studentsupport@warwick.ac.uk
- Sexual and Domestic Abuse Adviser (SDAA) tel: 024 7627 7777
- Coventry Rape and Sexual Abuse Centre (CRASAC) Helpline 024 7627 7777
email: helpline@crasac.org.uk
- Blue Sky Centre Coventry (Sexual Assault Referral Centre) 24/7 helpline 0800 970 0370 info@blueskycentre.org.uk